



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

L. Eng. B58 e

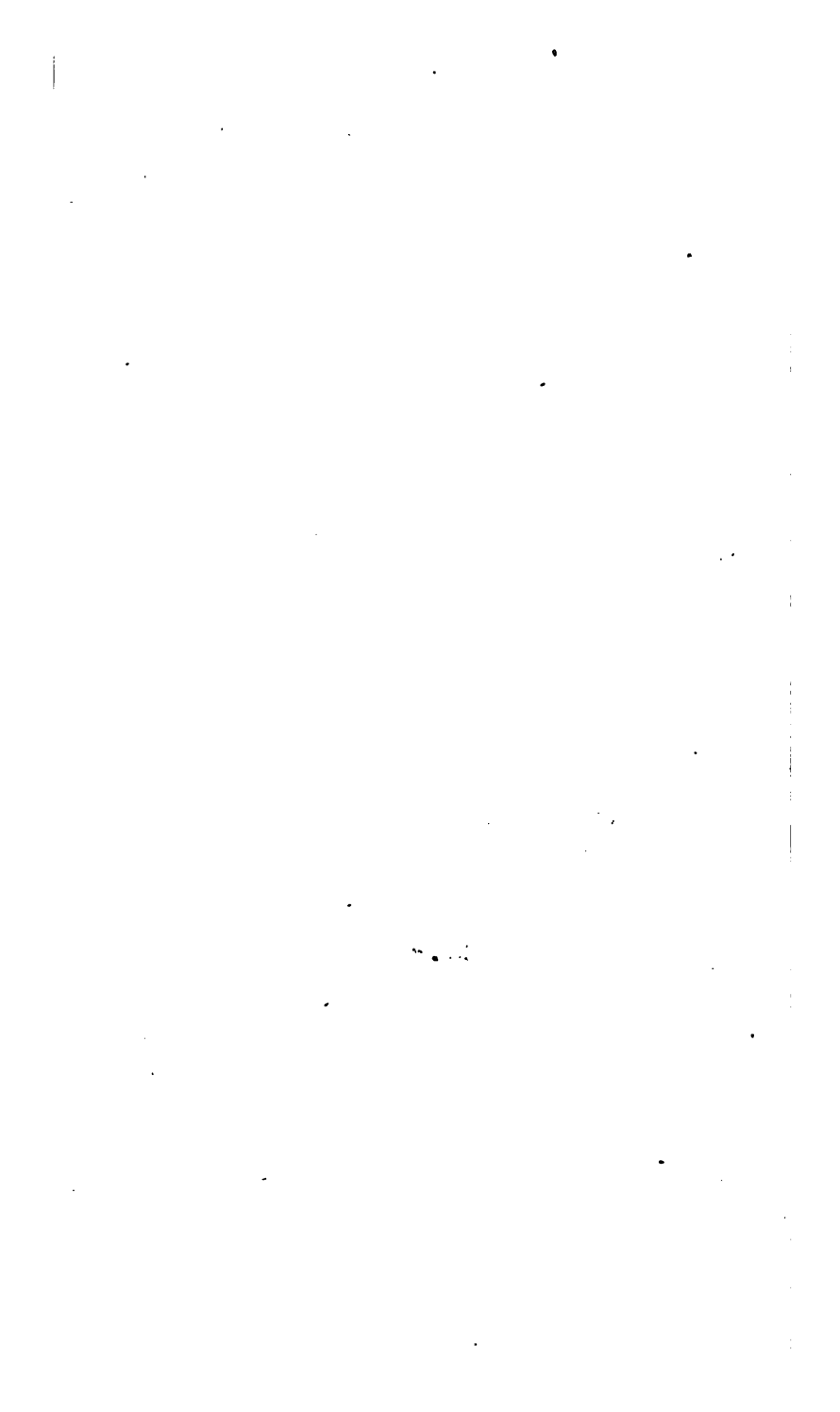
Pub. health 37

OW .U. K.

K 625

J 66

24



THE ACTS
FOR
Promoting the Public Health,

1848 to 1851,

TO WHICH IS ADDED, THE
PRACTICE OF THE GENERAL AND LOCAL BOARDS
OF HEALTH,

With copious Notes and Tables,

BY
GUTHBERT W. JOHNSON, ESQ.,

BARRISTER AT LAW,
CHAIRMAN OF THE CROYDON LOCAL BOARD OF HEALTH.

LONDON:
CHARLES KNIGHT, 90, FLEET STREET,
PUBLISHER BY AUTHORITY
TO THE
BOARD OF HEALTH AND TO THE POOR LAW BOARD.

1852.



LONDON :

PRINTED BY A. SWEETING, BARTLETT'S BUILDINGS, HOLBORN.

TO
THE RIGHT HONOURABLE
HUGH,
VISCOUNT EBRINGTON,
&c., &c., &c.,

THE LATE ABLE CHAIRMAN
OF THE
Metropolitan Commissioners of Sewers,

WITH WHOM THE EDITOR
HAD THE ADVANTAGE AND PLEASURE OF SERVING, DURING AN EARLY,
DIFFICULT, AND LABORIOUS PERIOD OF
SUCCESSFUL SANITARY INQUIRIES,

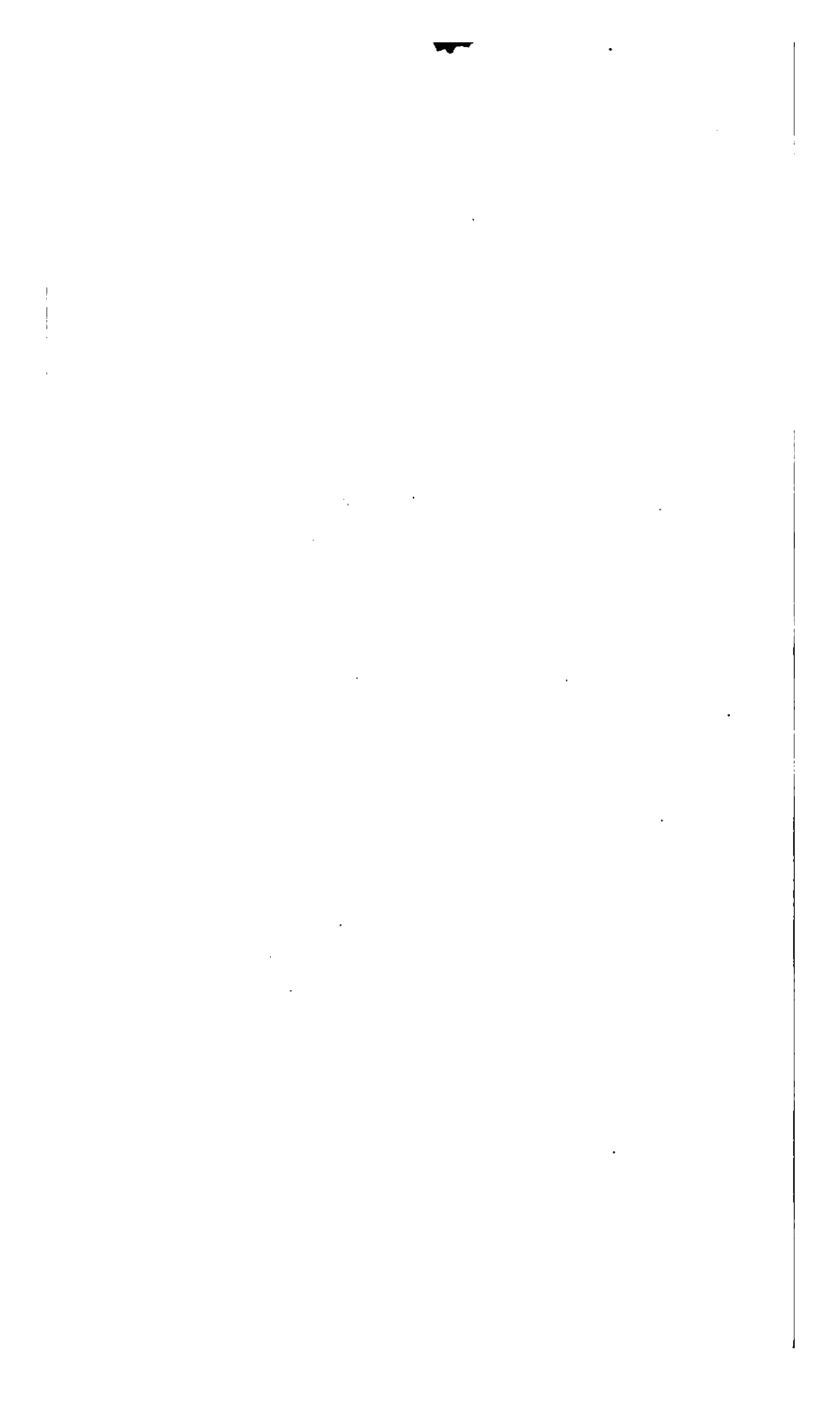
This Volume

IS (BY PERMISSION) DEDICATED

BY

HIS LORDSHIP'S FAITHFUL AND HUMBLE SERVANT,

THE EDITOR.



ADVERTISEMENT.

IN the notes to this little volume will be found most of the results of my experience as one of the late Commissioners for the Metropolitan Sewers, and as Chairman of the Croydon Local Board of Health.

Whatever practical knowledge is found in its pages, I owe to the intelligence and zeal of my brother Commissioners of the Court in Greek Street, and of the Board of Croydon. To their laborious inquiries—to the unflinching execution of their duties—not only their own local districts, but the community at large, are, I well know, under deep and permanent obligations.

I have also, in the execution of this work, been much indebted to the kindness of Mr. Edwin Chadwick and Dr. Southwood Smith, of the General Board of Health,—to Mr. T. Taylor, its Assistant Secretary, for many valuable suggestions and communications (who has also very carefully revised all those pages which relate to opinions expressed by the General Board), and to Mr. A. Walbridge, one of the other officers of the General Board, for the Tables relating to Provisional Orders.

C. W. JOHNSON.

14, *Gray's Inn Square*,
April, 1852.

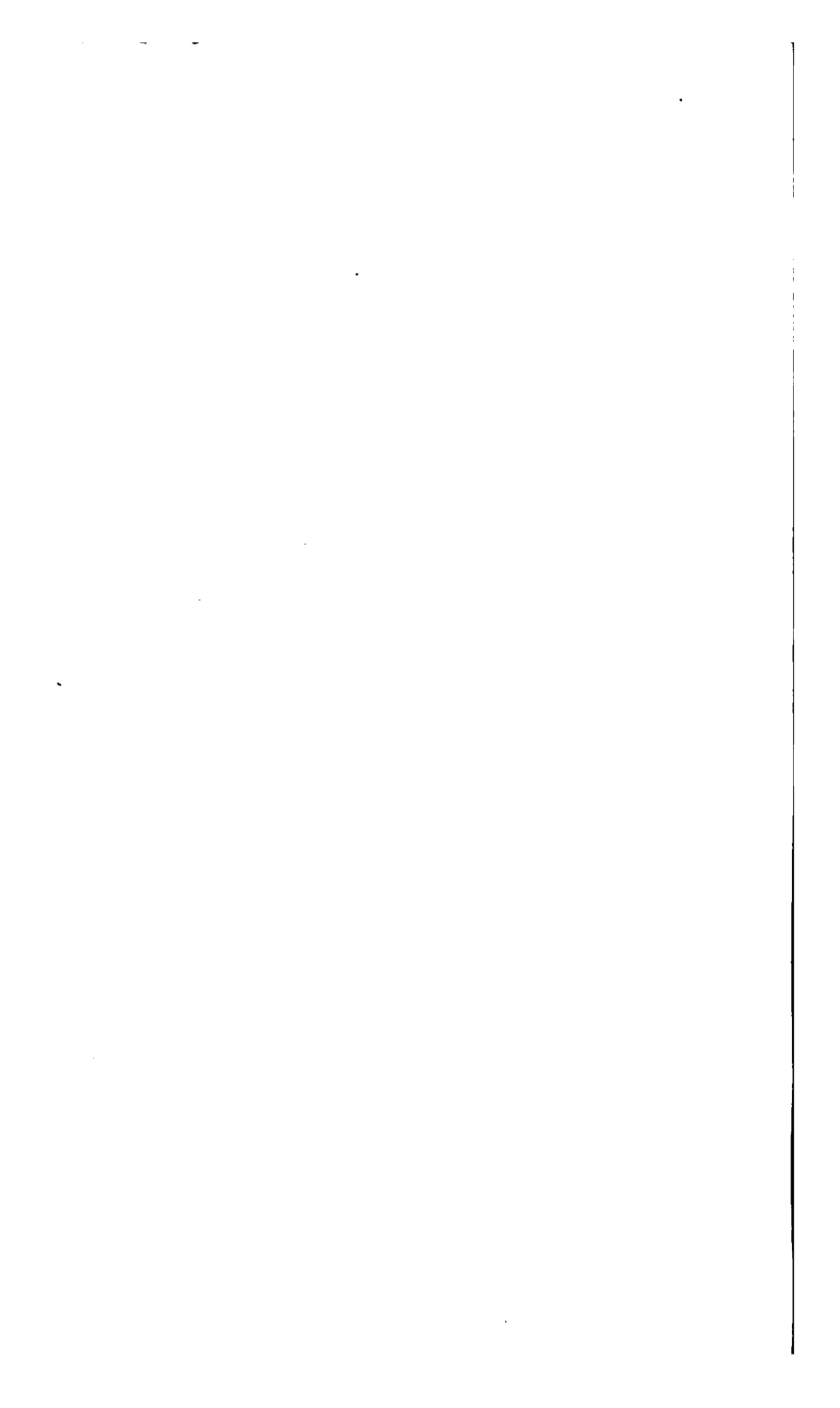


TABLE OF CONTENTS.

	PAGE
The Origin of the Public Health Act	1
Is it desirable that the Public Health Act should be applied to my District?	8
The Preamble of the Act	13
Interpretation Clause	15
General Board of Health, how constituted	21
Petition of Inhabitants for Application of the Act to a District	24, 249
Selection and Election of Local Boards	34-64
Meetings of Local Boards	65-69
Appointment of Officers	70
As to Maps, Plans, Surveys, &c.	77
As to Sewers, Drains, Privies, &c.	78-84
As to Refuse Matters, such as Dust, Ashes, &c.....	96
As to offensive Ditches, Drains, &c.	96

	PAGE
As to Unwholesome Houses	98
Slaughter Houses, &c.	100
Offensive Trades	103
Common Lodging Houses	104
Management of Streets, &c.	109-115
Places of Public Recreation	116
As to a Public Supply of Water	116-125
As to Burial Grounds.....	126, 127
Purchase of Lands and Contracts of Local Boards.....	130
The Rates of a Local Board	132-165
The Bye-Laws of a Local Board	166
The Duties of a Local Board as Surveyors of Highways	168
Appeal from a Local Board	171
Other Matters chiefly relating to the Administration of the Duties of the Local Board	171-203

SCHEDULES TO THE PUBLIC HEALTH ACT:

A. Form of Voting Paper	204
B. Form of Mortgage of Rates.....	205
C. Form of Transfer of Mortgage	205
D. Form of Distress Warrant	206
E. Form of Conviction	207
F. Form of Order to permit Execution of Works by Owners	207

CONTENTS.

ix

APPENDIX I.

	PAGE
THE SUPPLEMENTAL ACTS:	
The Act 12 & 13 Vict. c. 94	209
The Act 13 & 14 Vict. c. 32	213
The Act 13 & 14 Vict. c. 90	216
The Act 13 & 14 Vict. c. 108	219
The Act 14 & 15 Vict. c. 80	223
The Act 14 & 15 Vict. c. 98	225
The Act 14 and 15 Vict. c. 103	229
PRIMARY ADDRESS OF THE CROYDON LOCAL BOARD OF HEALTH	232

APPENDIX, No. II.

WATER RATES	237
Tables of	237
Average consumption of Water.....	240
Average quantity of Water obtained from different sources	240
Power of Local Boards to lay down Water Mains...	243
Average expense per House for Waterworks and Main Sewers	244

APPENDIX, No. III.

MORTGAGES, &c.

Table of Loans of different amounts,—the annual principal and interest necessary to be raised.....	245
Form of Mortgage to pay off the very same sum in each and every year for 30 years	246-248

APPENDIX, No. IV.

	PAGE
FORM OF PETITION TO GENERAL BOARD OF HEALTH TO HAVE THE ACT APPLIED TO A DISTRICT...	249

APPENDIX, No. V.

HIGHWAY RATES—

Doubtful opinion as to power of Local Boards to make	250
---	------------

APPENDIX, No. VI.

LIST OF THE DISTRICTS TO WHICH THE ACT HAS BEEN APPLIED, TO MARCH, 1852	253
--	------------

APPENDIX, No. VII.

ON THE AGRICULTURAL VALUE OF SEWER AND LAND DRAINAGE WATER.....	257
House Drainage	257
The value of Sewage Water in Irrigation	260
The employment in this way of the Sewage of a single House.....	265
The quantity of Sewage required in Irrigation	271
The Composition of some of the River Waters used in Irrigation	273
The amount and composition of Land Drainage Water	276
The Drainage from Domestic Animals.....	280
The general results of Sewerage Irrigation in Eng- land and in Scotland	282
List of Forms required under the Public Health Act	285
INDEX	289

AN ACT

FOR PROMOTING THE PUBLIC HEALTH.

THE ORIGIN OF THE ACT.

IN the first Report from the Commissioners appointed by her Majesty for the purpose of inquiring into the state of large towns and populous districts, dated June 27, 1844, and which Report was signed by the Duke of Buccleuch, the present Duke of Newcastle, Robert Slaney, George Graham, H. T. De la Beche, Lyon Playfair, D. B. Reid, Richard Owen, W. Denison, J. R. Martin, James Smith, Robert Stephenson, and W. Cubitt, various important facts were set forth, and many highly valuable suggestions offered. They agreed in the little commonly understood, yet most important fact, "that defective drainage, neglect of house and street cleansing, ventilation, and imperfect supplies of water, contribute to produce atmospheric impurities which affect the general health and physical condition of the population, generating acute, chronic, and ultimately organic disease, especially scrofulous affections and consumption, in addition to the fevers and other forms of disease to which public attention has hitherto been chiefly directed by previous sanitary inquiries."

The Commissioners, after giving an accurate description of the existing evils resulting from bad house drainage, imperfect water supplies, and intramural burials, and the state of the then existing law with regard to those subjects, concluded by expressing an opinion that "it would be necessary to have recourse to the aid of the legislature for further enactments before the improvements so much desired can be fully accomplished."—1st Rep., p. xxvi.

A still more elaborate Report from the same Commissioners was made to her Majesty on the 3rd of February, 1845, in which they further remark, at its conclusion, that the recommendations contained in their Report will, if sanctioned by the legislature, tend to diminish the evils into which it had been their duty to inquire.

At page 12 of this Report the Commissioners give a brief digest of the state of the law with regard to drainage. They remark, "It is apparent on a review of the course of legislation on this subject, that most serious attention was given to works of drainage from the earliest periods of our constitutional history. The earliest fundamental provisions have been based upon the footing that such works, as well as measures for the maintenance of the free flow of running waters, were of general public and national, rather than of exclusively local, consideration. It is held, by the first legal authorities, to be one of the prerogatives of the Crown to issue commissions for the protection of the population, by the enforcement of proper works of drainage, and this prerogative appears to have been exercised by the issue of special commissions, as well after as before the passing of statutory provisions on the subject. The

intervention of the Crown was often urgently sought for the public protection against the injurious encroachments of private interests upon the great public watercourses for mill power or for fishing-weirs. The XVIth chapter of Magna Charta is a defence of the public rights against the growth of such encroachments. The fourth statute of the 25 Edw. III. c. 4, provides for the putting down of mills, weirs, dams, and other obstructions, and commissions appear to have been issued from time to time to see to the execution of the laws provided thereon.

The laws and customs of Romney Marsh appear to have been established at a very early period, as the principles upon which all proceedings under these commissions should be conducted. In these laws it is recited that they were settled by a learned judge, Henry of Bathe, under a special commission from the Crown, in the reign of Henry III.

“By counsel of our Lord the King, it was provided, that there might be sent the justices of our Lord the King, to ordaine and depose that which should be meete to appease those strifes;” “so that Henry de Bathe was sent thither, and all the tenants of the said Marsh had summons of forty days,” &c. &c.; “the said Henry having *seene* the walls and water-courses aforesaid,” &c., “and the said Henry going *in person* to these parts ordained,” &c. The tenor of other commissions runs—“Assignavimus vos ad supervidendum wallias et fossata, etc., et ad inquirendum per quorum defecta hujus damnum contigit ibidem.”

In illustration of the earlier commissions issued under the Crown, which were not confined to works of drainage only, or to a judicial intervention, but were extended

to the formation of new roads, and the maintenance of old ones,* and other public works, we have found a com-

* E. g. : Patent 51 Edw. III. m. 41. "Edwardus Dei gratia Rex Angliæ et Franciæ et dominus Hiberniæ, dilectis sibi Johanni Herlyngton, Radulpho Gamel, Willielmo Pechel, Waltero Pigge, Hugoni Feukson et Willielmo de Yakesle salutem. Sciatis quod concessimus vobis in auxilium dictæ villæ et viarum eidem adjacentium paviandæ, quod a die confectionis præsentium usque ad finem trium annorum proximo sequentium plenarie completorum capiatis in dicta villa consuetudines subscriptas, videlicet, &c. Et ideo vobis mandamus quod prædictas consuetudines usque ad finem termini prædicti capiatis sicut prædictum est, completo autem termino dictorum trium annorum dictæ consuetudines penitus cassentur et deleantur."—Inquisition ad quod damnum, 12 Edw. II. Writ to inquire whether the causeway and bridges in the way called Longfore, between Blecheleye and Newport, in the county of Salop, are so broken as to be dangerous, and if any certain persons are bound to repair them, and if they be not, whether it will be to the prejudice of the king or others, if he grant a frontage for the repair.—Patent Roll, 10 Edw. III., p. 1. Appointment of commissioners to survey the state of the walls, ditches, sewers, bridges, &c., on the sea coast in Leverynham, Nenton, and Wysebech in co. Camb. (except the field called Rummere), and to inquire by whose default they have become ruinous, and to distrain persons holding lands, tenements, fisheries, &c., there to repair them.—Inq. ad quod. dam., 34 Edw. III. Writ to Henry Peverell, custos of Southampton, ordering him to inquire concerning defects, &c., in the walls of the town, and concerning porches and gardens made on the walls.—All gorges, mills, weirs, stanks, stakes, and kiddels, set up in great rivers, in the time of Edward I., and after, shall be pulled down, and sheriff shall do execution. (25 Edw. III.)—Agnes de Dunlegh prays the king to cause certain walls to be repaired, to restrain the overflow of the Thames, which he was bound to do in virtue of a purchase made by him of messuages, &c., in a place called La Rofere contre La Tour, in Southwark. (4 Edw. III.)—Petition for constraining the mayor, &c., of Cambridge, to cause the town ditch, &c., to be cleansed. (52 Hen. III.)—A confirmation of the statutes of levying and straitening weirs, mills, stanks, stakes, kiddels, &c. (1 Hen. V.)—A general commission of sewers proposed and enacted. (2 Hen. VI.)—Dismes, &c., respited for two years to the inhabitants of Malberthorpe, co. Linc., on account of their charges to

mission of the third year of Henry IV. for providing the means of conveying pure water to the inhabitants of Kingston-upon-Hull,* as well as for draining that town, and removing impure sea or marsh water. The practice of issuing commissions for previous local inquiry and survey appears to have been discontinued on the passing of the Act 6th of Henry VI. c. 5, to regulate the issue of commissions.

The preamble to the 23 Hen. VIII., c. 5, commonly known as the Bill of Sewers, sets forth in the language usually employed in the preambles of those days, that Henry VIII., "like a *virtuous* and most gracious prince, nothing earthly so highly weighing as the advancing of the common profit, wealth, and commodity of this his realm, considering the daily great damages and losses which have happened in many and divers parts of this his realm, as well by reason of the outrageous flowings, surges, and courses of the sea in and upon marsh grounds and other low places heretofore, through politic wisdom won and made profitable for the great commonwealth of this realm, as also by occasion of land-waters and other outrageous springs, in and upon meadows, pastures, and other low grounds adjoining to rivers, floods, and other water-courses, (see 10 & 11 Vict. c. 70. s. 2,) and over that by and through mills, mill-dams, wears, fishgarths, kedels, gores, gotes, flood-gates,

defend themselves from being inundated by the sea. (9 Hen. VI.)—Abbess of Denys, and the master of the hospital of Strode, prayed to answer for neglecting to embank their land near Rochester Bridge. (11 and 12 Hen. VI.)—*From Collections of Records and Precedents, by T. Duffus Hardy, Esq.*

* Report on Hull, Second Report, vol. ii.

locks, and other in and upon the same rivers and other water-courses to the inestimable damages of the commonwealth of this realm, which daily is likely more and more to increase unless speedy redress and remedy be in this behalf shortly provided. Wherein albeit that divers and many provisions have been before this time made and ordained, yet none of them are sufficient remedy for reformation of the premises, hath therefore, by," &c. &c. "That Commissioners of Sewers and other the premises shall be directed in all parts within this realm from time to time, where and when need shall require, according to the manner, form, tenor, and effect hereafter ensuing, to such substantial and indifferent persons as shall be named by the Lord Chancellor and Lord Treasurer of England, and the two chief justices for the time being, or by three of them, whereof the Lord Chancellor to be one." The form of the Commission was then set forth. This Act was made perpetual by the 3 & 4 Ed. VI. c. 8.

Other Acts relating to the Commissions of Sewers are the 13 Eliz. c. 9.—3 Jac. c. 14.—2 W. & M. ses. 11. c. 8.—7 Anne, c. 10.—47 Geo. III. c. 7. (Local and Personal).—52 Geo. III. c. 48. (Loc. & Per.).—3 & 4 W. IV. c. 22.—4 & 5 W. IV. c. 96. (Bayswater Sewer).—10 & 11 Vict. c. 70. (Loc. & Per.).—11 & 12 Vict. c. 112. (The Metropolitan Sewers Act).—The 11 & 12 Vict. c. 63. (The Public Health Act, 1848).—12 & 13 Vict. c. 94.—13 & 14 Vict. cap. 32, cap. 90, cap. 108.—The 14 & 15 Vict. cap. 90, cap. 98, cap. 103.

After one or two attempts had been made in the sessions of 1845 and 1847, to introduce a Public Health Act, the question became so urgent, that in opening

the session of 1847-8, her Majesty thus addressed her Parliament: "Her Majesty has thought proper to appoint a Commission to report on the best means of improving the health of the metropolis, and her Majesty recommends to your earnest attention, such measures as will be laid before you relating to the public health." On the 10th of February a Bill "for promoting the public health," was introduced by the Earl of Carlisle (then Lord Morpeth). To the talent, the patience, and the courtesy, evinced during the progress of the Bill through the House of Commons by this distinguished nobleman, the public are mainly indebted for this Act—the foundation I feel of a long course of public benefits, by which the health, the comfort, and the morality of the community will be largely and permanently increased.

IS IT DESIRABLE THAT THE PUBLIC HEALTH ACT
SHOULD BE APPLIED TO MY DISTRICT?

This important question will sooner or later present itself to many of my readers. It will be well if such an inquirer guards himself against an erroneous conclusion, by well understanding, 1. the objects of the Act; and 2. the mode by which, under its provisions, these improvements are proposed to be accomplished.

Now, as to the objects of the makers of this great and important Act of Parliament. These are well and concisely described by Mr. Alfred Walbridge in his excellent little tract on "Popular Exposition of its advantages and benefits,"* to be "to provide for the introduction and maintenance in towns and populous places of an efficient

* Published by C. Knight, 90, Fleet Street.

and economical system of sewerage and house drainage ; for the paving and cleansing of streets, &c. ; for providing a full and proper supply of water for public and private purposes ; for the adoption of such other means as may be necessary for improving the health and comfort of the inhabitants ; and also for providing a popular and elective representative local body for carrying out those measures."

Since the Act was passed there have been (to the commencement of the year 1852) about 240 petitions presented to the General Board of Health for the application of this Act to the places from whence these petitions originated. In this list are to be found the great manufacturing towns of Wolverhampton, Leicester, Coventry, Bradford, Bilston, and Sunderland—the agricultural or suburban, such as Croydon, Tottenham, Harrow, Windsor, Braintree, Witham—seaport towns, as Brighton, Southampton, Hastings, Worthing, Torquay, and Bath, &c. To about 140 towns to the date to which I have referred, the Act was applied, either by Provisional Order where there were not any local acts in existence, or by Order in Council where there were such local acts, and where the prescribed limits differed from those described in the petition.

With regard to the *cost* of applying the Public Health Act. The *average* expense by *Order in Council* has not been found to exceed £83. By Provisional Order, which requires to be afterwards confirmed by the annual confirming Act of Parliament, the average cost has not exceeded £121. Let my readers contrast this expense with that of an ordinary Act for the improvement of a town, the average taxed costs of which (in the House

of Commons only) in 1849 and 1850 amounted to £2042 6s. 2½d.; the *least* expensive Brighton being £1307, and the most costly Bilston £3463.

An opinion is sometimes entertained that when the Act is applied to a district, that thenceforward that district becomes completely under the direction and control of the General Board of Health at Whitehall. It is of great importance that it should be well understood that this is a baseless conclusion. It will be found in practice that the Act must be applied for under sect. 8. in a petition signed by at least one-tenth of the inhabitants. On this petition being received by the General Board an inspector is appointed, and if after a careful survey and publicly hearing evidence his report is favourable, an Order in Council, or a Provisional Order, is issued, under which (provided the Provisional Order is confirmed by Parliament) authority is given, under sect. 12. of this Act, for the ratepayers to elect a local Board of Health from amongst themselves.

Now, when the Local Board is thus formed, to that board almost all power and authority are committed. Its members may see fit to carry out vigorously and conscientiously the public objects of this Act; they may raise by rates, or by mortgage of those rates, sufficient money to satisfy the sanitary demands of the electors, or they may be a timid or a too parsimonious board; they may meet, debate, but do nothing that involves an outlay of any money on permanent improvements. In such a case there is no remedy but for the ratepayers to elect more useful members of their board. A well-advised body of electors will indeed be very careful in the selection of their board. They should, if they can do so,

secure a majority composed of the *independent* and most sensible of their neighbours—gentlemen not dependant in any way upon their neighbours for their income, and therefore not likely to be deterred from the execution of their duty by any fears of losing customers or the hope of the favours of any section of the ratepayers. It is desirable that there should be tradesmen on the board, but it is equally so that they should not be all merchants, nor even the majority, especially if the board has much to accomplish.

The Local Board then being formed (and one-third of it must be re-elected annually) is free, and unshackled by the General Board in all its resolutions as regards new works.

All the specific powers thereafter possible to be exercised over the Local Board by the General Board are as follows. By sect. 37, they may approve or disapprove of the removal of the local surveyor; sect. 40, of the appointment or removal of the officer of health; by sect. 41, they prescribe the scale upon which any local map for sewerage purposes is made. A ratepayer may appeal to the General Board against the decisions of the Local Board—sect. 64, as to noxious and offensive trades. As to new streets, sect. 72; and against private improvement expenses, s. 120. The General Board may also regulate contracts as to public pleasure grounds, sect. 74, or supplies of water, sect. 75, and burial grounds, sect. 82.

By sect. 119, a Local Board cannot mortgage the rates, or borrow any money, without the previous consent of the General Board of Health. The conditions on which these loans are authorised by the Board, are thus described by them in their Report (*on the Public*

Health Act to July, 1849, p. 62):—"Considering the legislative provisions for the drainage of settled estates by the owners to be in *pari materia*, we propose to exercise on the same principles discretionary power vested in us for the due protection of the several interests involved in the works in question. For the security, then, of the several interests involved; namely, for the security of absentees and reversioners, for the protection of minorities, for the prevention of the failure of the objects of the legislature by such unskilful, inefficient, or extravagantly expensive works as have been displayed by recent local examinations, and acting under a sense of the responsible relations above set forth, we propose to adopt as a principle to sanction the mortgage of rates and the distribution of charges only on conditions such as the following:—That plans and estimates have been prepared in detail, and submitted for examination to an inspector—*a.* and upon his report found to be deserving of approval—*b.* as being of a nature to last, and of advantage equal to the value of the improvement rate during the period of years over which the charge is distributed."

The spirit in which the inspector of the General Board will act may be gathered from the following extract from the general instructions with which he is furnished (*ibid.* p. 134):—"You will bear in mind, as a representative of the General Board, the general nature of its objects and position as collected from the tenor and spirit of the provisions of the Act, first as an agency for the removal of those evils in the repression of which the public at large have an interest; next as an authority of appeal and adjudication between rival

or conflicting local interests ; thirdly, as a security in the distribution of charges for the protection of minorities and absentees against wasteful works or undue charges in respect to them ; and fourthly, as a means of communicating to each locality for its guidance the principles deduced from the experience of all other places, from which information may be obtainable.

Now all these controlling powers are introduced to guard against errors or abuses : they are all, moreover, powerless as regards *commencing* any operation ; they are only available against corrupt or erroneous practices and misreadings of the Act.

It will be seen, then, that the Act, so far from enforcing a system of centralization, as is sometimes urged, merely ensures a full, uniform, and efficient system of sanitary improvement by a willing local board ; and that in practice the invaluable office of the General Board is to collect information ; to condense and test the value of the practical knowledge it acquires ; to diffuse that knowledge amongst, and to counsel and aid, local boards in their sometimes rather difficult labours. A considerable experience as chairman of one of the first and most efficient local boards elected under the Act, warrants me in the assurance that we have on many important occasions felt the value and advantage of having the power to refer for counsel and support to the General Board of Health.

11 & 12 VICT. CAP. 63.

AN ACT

FOR PROMOTING THE PUBLIC HEALTH (*a*).

[31st AUGUST, 1848.]

WHEREAS further and more effectual provision Preamble.
ought to be made for improving the sanitary
condition of towns and populous (*b*) places
in England and Wales; and it is expedient
that the supply of water to such towns and
places, and the sewerage, drainage, cleansing
and paving thereof, should, as far as practi-

(*a*) This Act may be regarded as a Public Act. (*Pilkington v. Riley*, 3 Exchequer R. 741.) The Court of Exchequer so decided in that case with regard to the 3 & 4 W. IV. c. 90. (The Lighting and Watching of Parishes Act.) The right of giving the special matter in evidence under a plea of not guilty is taken away by the 5 & 6 Vict. c. 97, s. 3, in all Acts of a local and personal nature; and the Court decided that the 3 & 4 W. IV. c. 90, comes within that description. Dwarris defines a public Act to be one which regards the whole community. *Cox's Statutes*, p. 465, 2nd edit. The Court of Queen's Bench also decided (*Barnett v. Cox*, 9 Queen's Bench, 621) that the Metropolitan Police Acts, 3 & 4 Vict. c. 84; 2 & 3 Vict. c. 71; and 10 G. IV. c. 44; are Public Acts. The Court of Exchequer, however, decided that the Building Act, 14 Geo. III. c. 78, was an Act of a local and personal nature. (*Richards v. Easto*, 15 M. & W. 252.)

(*b*) *Populous places*.—This must be interpreted in some measure according to the circumstances and means of the

**PUBLIC
HEALTH ACT
1848.**

Parts to which
this Act may
be applied.

cable, be placed under one and the same local management and control, subject to such general supervision as is herein-after provided : Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that this Act may from time to time be applied, in manner herein-after provided, to any part of England and Wales, except the parts next herein-after mentioned ; (that is to say,) the city of London and the liberties thereof (*c*), the parts within the limits of certain commissioners of sewers bearing date at Westminster the thirtieth day of November in the year of our Lord one thousand eight hundred and forty-seven (*d*), also the parts within the limits of certain other commissioners of sewers bearing date at Westminster the fourth day of December in the year

place in question, by the Act 13 & 14 Vict. c. 33; the interpretation clause defines a populous place to mean any locality containing a population of 1200 persons. This Act is for regulating the police of Scotch towns and populous places.

(*c*) See City of London's Sewer Act, 11 & 12 Vict. c. 163, 1848.

(*d*) The Commissions referred to in this section are seven. They are known as the districts of—1, Greenwich; 2, Surrey and Kent; 3, Westminster; 4, Holborn and Finsbury; 5, Poplar and Blackwall; 6, St. Katherine's; 7, the Tower Hamlets. These commissions are all consolidated under the 11 & 12 Vict. c. 112; amended by the 12 & 13

last aforesaid, and the parts subject to the jurisdiction of the commissioners acting in the execution of an Act of the fifth year of the reign of King George the Fourth, for (amongst other things) more effectually paving, lighting, watching, cleansing, and regulating the Regent's Park, and in the execution of the several Acts for extending the jurisdiction of such commissioners.

11 & 12 Vict.
c. 63.

2.

II. And be it enacted, that in the construction of this Act the following words and expressions shall have the meanings hereby assigned to them, unless such meanings be repugnant to or inconsistent with the context or subject matter in which such words or expressions occur; (that is to say,) (e)

Interpretation
of Terms:

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number:

Number:

Words importing the masculine gender shall include females:

Gender:

The word "person" and words applying to any person or individual shall apply to and include corporations, whether aggregate or sole:

"Person":

Vict. c. 93; and again amended and continued by the 14 & 15 Vict. c. 75.

(e) As to the interpretation clause of an Act of Parliament, see *Owen v. De Beauvoir*, 16 M. & W. 566, *Edney v. Beaham*, and *Edney v. Billett*, 7 Q. B., 779, 780.

**PUBLIC
HEALTH ACT
1848.**

"Lands:"
"Premises:"
"Owner:"

The word "lands" and the word "premises" shall include messuages, buildings, lands, and hereditaments of any tenure:

The word "owner" shall mean the person for the time being receiving the rack-rent of the lands or premises in connexion with which the said word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rack-rent (*f*).

"Rack-rent:"

The expression "rack-rent" shall mean rent which is not less than two-thirds of the full net annual value of the property out of which the rent arises; and the full net annual value shall be taken to be the rent at which the property might reasonably be expected to let from year to year, free from all usual tenant's rates and taxes, and tithe commutation rent-charge (if any), and deducting therefrom the probable average annual cost of the repairs, insurance, and other expenses (if any) necessary to maintain the same in a state to command such rent:

"Month:"

The word "month" shall mean calendar month:

"Commissioners of the Treasury:"

The expression "commissioners of her Majesty's treasury" shall mean the commis-

(*f*) A different definition, however, is given of the word "owner" as applied to elections—see sec. 20.

sioners of her Majesty's treasury of the United Kingdom of Great Britain and Ireland for the time being, or any three or more of them, or the lord high treasurer of the United Kingdom of Great Britain and Ireland for the time being: 11 & 12 Vict.
c. 63.
—

The expression "superior courts" shall include her Majesty's superior courts of record at Westminster, and the court of common pleas of the county palatine of Lancaster, and the court of pleas of the county of Durham: "Superior
Courts:"

The word "justice" shall mean any justice of the peace acting for the place in which the matter or any part of the matter, as the case may be, requiring the cognizance of the "justice" arises: "Justice:"

The expression "two justices" shall mean two or more justices assembled and acting together in petty sessions, or one stipendiary or police magistrate acting in any police court, for the place in which the matter or any part of the matter, as the case may be, requiring the cognizance of "two justices" arises (*g*): "Two Jus-
tices:"

The expression "court of general or quarter sessions" shall mean the court of general or quarter sessions of the peace having jurisdiction over the whole or any part "Court of
General or
Quarter Ses-
sions:"

(*g*) As to the jurisdiction of justices in places having exclusive jurisdiction, and in adjoining counties, see 11 & 12 Vict. c. 42, ss. 5 & 6, and c. 43, s. 6.

PUBLIC
HEALTH ACT
1848.

" Arbitra-
tors :"

" Oath :"

" Corporate
Borough :"

5 & 6 W. 4,
c. 76.

" District :"

of the district or place, as the case may be, in which the matter requiring the cognizance of the "court of general or quarter sessions" arises :

The word "arbitrators" shall include a single arbitrator ; and the words "arbitrators" and "arbitrator" shall include an umpire :

The word "oath" shall mean and include an affirmation in the case of Quakers, and a declaration in the case of persons allowed by law to make a declaration in lieu of an oath :

The expression "corporate borough" (*h*) shall mean any corporate borough mentioned in the schedules annexed to an Act passed in the sixth year of the reign of King William the Fourth, intituled "An Act for the regulation of municipal corporations in England and Wales," and any borough incorporated by charter granted or to be granted in pursuance of that or any subsequent Act :

The word "district" shall mean the entire area, places, or parts of places comprised within the limits of any district to which

(*h*) By the 12 & 13 Vict. c. 94, s. 10, is declared to include any city, borough, port, cinque port, or town corporate named in the schedule annexed to the 5 & 6 W. IV. c. 76—and to any city, borough, port, cinque port, or town corporate, incorporated by charter granted or to be granted in pursuance of that or any subsequent Act, and the word "burgesses" shall mean citizens in the case of a city.

this Act or any part thereof shall be applied by order in council or provisional order of the general board of health, sanctioned by parliament: 11 & 12 VICT.
c. 63.

The expression "corporate district" shall mean "Corporate District:"
a district in which the power, authorities, and duties of the local board of health of the district are exercised and executed by the council of a corporate borough:

The expression "non-corporate district" shall "Non-corporate District:"
mean a district in which the powers, authorities, and duties of the local board of health of the district are not exercised and executed by the council of a corporate borough:

The word "street" (s) shall apply to and include any highway (not being a turnpike road) (k), and any road, public bridge (not being a county bridge) (l), lane, footway, square, court, alley, passage, whether a thoroughfare or not, and the parts of any such highway, road, bridge, lane, footway, square, court, alley, or passage within the limits of any district: "Street:"

The word "house" shall include schools, factories, and other buildings in which "House:"

(i) As to what houses are within a "street," see *Baddeley v. Gingell*, 1 Excheq. 319.

(k) *Turnpike Roads*—The Public Health Act in no way operates on turnpike trusts.

(l) *Rex v. W. Riding*, 2 East, 342. *Rex v. New Sarum*, 7 Q. B. 954.

**PUBLIC
HEALTH ACT
1848.**

" Drain :"

more than twenty persons are employed at one time :

The word " drain " shall mean and include any drain of and used for the drainage of one building only, or premises within the same curtilage, and made merely for the purpose of communicating therefrom, with a cesspool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed :

" Sewer :"

The word " sewer " shall mean and include sewers and drains of every description, except drains to which the word " drain " interpreted as aforesaid applies :

" Slaughter-house :"

The term " slaughter-house " shall mean and include the buildings and places commonly called slaughter-houses and knackers' yards, and any building or place used for slaughtering cattle, horses, or animals of any description for sale :

" Water-works Com-pany :"

The expression " waterworks company " shall mean any corporation, person, or company of persons supplying or who may hereafter supply water for their own profit :

" Water-works :"

The term " waterworks " shall include streams, springs, wells, pumps, reservoirs, cisterns, tanks, aqueducts, cuts, sluices, mains, pipes, culverts, engines, and all machinery, lands, buildings, and things for supplying or used for supplying water,

also the stock in trade of any waterworks ^{11 & 12 Vict. c. 63.}
company :

The expression "the local board of health" "The Local Board of Health :"
shall mean the persons authorised to
execute in each district all or any of
the powers, authorities, and duties vested
in or imposed upon the local board of
health by this Act :

The expressions "the officer of health," "the "The
clerk," "the treasurer," "the surveyor," Clerk," &c.
"the inspector of nuisances," shall mean
the persons respectively appointed to be
or authorised to execute the offices of the
officer of health, clerk, treasurer, survey-
or, and inspector of nuisances respectively
in each district for the purposes of this
Act.

3.

III. And be it enacted, that in citing this <sup>Mode of
citing this
Act.</sup>
Act in other Acts of parliament, and in legal
instruments and other proceedings, it shall be
sufficient to use the words "The Public Health
Act, 1848."

4.

IV. And be it enacted, that the first com- <sup>General
Board of
Health to be
constituted.</sup>
missioner for the time being [of her Ma-
jesty's woods and forests, land revenues,
works, and buildings, together with such two
other persons as her Majesty by warrant under
the royal sign manual may be pleased to ap-
point, shall be and constitute a board for super-
intending the execution of this Act, and shall

PUBLIC
HEALTH ACT
1848.

be called "The General Board of Health," (*m*) and shall have and execute all the powers and duties vested in or imposed on such board by this Act, and the said first commissioner shall be the president of the said board; and her Majesty may from time to time, at her pleasure, remove all or any of the persons so appointed by her, and appoint others in their stead; and the powers and duties vested in the said board by this Act may be exercised and executed by any two members thereof; and during any vacancy in the said board the continuing members or member thereof may act as if no vacancy had occurred: Provided always, that the said general board of health shall be continued only for five years next after the day of the passing of this Act, and thenceforth until the end of the then next sessions of parliament, and no longer.

5.

Power to
general board
of health to
appoint off.

V. And be it enacted, that the said board may from time to time appoint a secretary and such

(*m*) *The General Board of Health.*—In addition to the powers given to the board by the public nuisances Act, 11 & 12 Vict. c. 123, s. 8, notice must be given to the board, and their approval must be given in writing before any hospital is built or opened for the reception of patients afflicted with infectious or contagious diseases or disorders; and by s. 10, they are empowered to issue directions and regulations for the prevention or mitigation of epidemic, endemic, or contagious diseases. Other important powers are given to this board by the Nuisances Removal Act of 1849; and by the 13 & 14 Vict. c. 52 (Metro. Interments Act).—See *ante*, p. 10.

clerks and servants as they, subject to the approval of the commissioners of her Majesty's treasury, may deem necessary for the purposes of this Act; and every person so appointed shall be removable at the pleasure of the said board.

11 & 12 Vict.
c. 63.

clerks and servants, subject to approval of treasury.

And the said board shall cause to be made a seal for their use in the execution of this Act, and documents or copies of documents purporting to proceed from them, and to be signed by any two or more of them, and to be sealed or stamped with such seal, shall be received as *prima facie* evidence in all courts and places whatsoever.

And to cause a seal to be made.

6.

VI. And be it enacted, that the general board of health may from time to time appoint so many proper persons as they, subject to the approval of the commissioners of her Majesty's treasury, may deem necessary, to be superintending inspectors for the purposes of this Act; and every person so appointed shall have all the powers, duties, and liabilities vested in or imposed upon any superintending inspector by this Act, and shall assist in the superintendence and execution of this Act, when, where, and in such manner as the said board shall direct, and shall be removable at their pleasure.

Power to appoint superintending inspectors, subject to approval of treasury.

7.

VII. And be it enacted, that there shall be paid to such one of the members of the general board of health, not being the president, as her Majesty shall direct, and to the said secretary, clerks, and servants, such salaries or

Power to treasury to grant salaries, &c. to general board of health, superintending inspectors, &c.

PUBLIC
HEALTH ACT,
1848.

wages, and to the said superintending inspectors such allowances, as shall from time to time be appointed by the commissioners of her Majesty's treasury, out of any moneys which may from time to time be provided by parliament for that purpose: Provided always, that the allowance to a superintending inspector shall not exceed the sum of three pounds three shillings for every day he shall be actually employed or travelling in the performance of the duties of his office; provided also, that the commissioners of her Majesty's treasury may allow to any superintending inspector such reasonable travelling and other expenses as may be incurred by him in the performance of the duties of his office under this Act, in addition to his said allowance.

8.

Upon petition of a certain proportion of householders, &c., or when the deaths in any city, &c. appear upon the registrar general's returns to be above a certain proportion, superintending inspector to make local inquiry.

VIII. And be it enacted, that from time to time after the passing of this Act, upon the petition of not less than one-tenth of the inhabitants rated to the relief of the poor of any city, town, borough, parish, or place having a known or defined boundary, not being less than thirty in the whole (*m*),—or where it shall appear or can be ascertained from the last return for the time being made up by the registrar general of births, marriages, and deaths, from the deaths registered in a period of not less than seven years, that the number of deaths annually in any city, town, borough, parish, or

(*m*) For form of petition, see Appendix, No. IV., p. 249.

place during the period in respect whereof such^{11 & 12 VICT. c. 63.} return shall have been made have on an average exceeded the proportion of twenty-three to a thousand of the population of such city, town, borough, parish or place,—the general board of health may, if and when they shall think fit, direct a superintending inspector to visit such city, town, borough, parish, or place, and to make public inquiry, and to examine witnesses, —as to the sewerage, drainage, and supply of water,—the state of the burial grounds,—the number and sanitary condition of the inhabitants,—and as to any local Acts of Parliament(*m*) in force within such city, town, borough, parish, or place for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the same, or having relation to the purposes of this Act,—also as to the natural drainage areas, and the existing municipal, parochial, or other local boundaries, and the boundaries which may be most advan-

(*m*) The distinction between public and local Acts of Parliament is, that the former extend to the whole community, the latter to only a portion or portions of it. The Lighting and Watching Act (3 & 4 W. IV. c. 90) is not in this case to be regarded as a local Act (*Pilkington v. Riley*, 3 Exc. R. 739). As to Acts merely being printed in the Statute Book, and as to general and public, and local and personal Acts, see *Richards v. Easto*, 15 M. & W. 244. As to local Acts being commonly declared to be public, that does not render them public to any greater extent than for the purposes of pleading, but not for the purpose of being given in evidence (*Brett v. Beales*, M. & W. 421).

PUBLIC
HEALTH ACT,
1848.

tageously adopted for the purposes of this Act, and as to any other matters in respect whereof the said board may desire to be informed, for the purpose of enabling them to judge of the propriety of reporting to her Majesty, or making a provisional order as herein-after mentioned.

9.

Inspector to
give notice of
inquiry, and
report to
general board
the result of
the same.

IX. And be it enacted, that before proceeding upon such inquiry the said inspector shall give fourteen days' notice of his intention to make the same, and of a time and place at which he will be prepared to hear all persons desirous of being heard before him upon the subject of such inquiry, by advertisement in some one or more of the public newspapers usually circulated in the parts to which the inquiry will relate,—— and by causing such notice to be affixed on the doors of the principal churches, chapels, public buildings, and places where public notices are usually affixed within such parts and in such other manner as may appear to the said inspector to be necessary ;——and so soon as can be after the completion of such inquiry he shall report in writing to the general board of health, in such manner as they may direct, upon the several matters with respect to which he has been directed to inquire as aforesaid, and upon any other matters with respect to which he may deem it expedient to report for the purposes of this Act ;——and if upon such report it appear to the said general board that the boundaries which may be most advantageously adopted for

Upon such
report general
board may, if
they think fit,
cause inspec-

the purposes of this Act are not the same as those of the city, town, borough, parish, or place with respect to which the inquiry has been made, they shall cause the same or some other superintending inspector to visit the parts within the boundaries proposed to be adopted for the purposes of this Act, and, after having given such notice as is herein-before prescribed, to hear all persons desirous of being heard before him upon the subject of the said report, and to make such further inquiry and report to the said board as they may direct; and upon the presentation of such report or further report the said board shall cause copies thereof respectively to be published in the parts to which such report or further report respectively relate, in such manner as they may direct, and shall also cause other copies thereof respectively to be deposited with the town clerk of any corporate borough affected thereby, and with the clerk to the commissioners or trustees acting under any local Act of parliament in force within such parts for lighting, paving, cleansing, watching, regulating, supplying with water, or improving such parts, or any of them, or in anywise relating to the purposes of this Act, and with the clerk to the justices acting for any petty sessional division in which such parts may be, and with the clerk of the board of guardians of the union or parish the whole or part of which may be affected thereby; and if such report or further report relate to parts not being within any cor-

11 & 12 VICT.
c. 63.

—
tor to make
further in-
quiries re-
specting bound-
aries, and
present a
further re-
port, which
shall be pub-
lished, &c.

PUBLIC
HEALTH ACT,
1848.

porate borough the said board shall cause other copies of the same to be deposited with the churchwardens or overseers of the poor of any parish in which such parts or any of them may be ;

And the copies so published or deposited shall be accompanied by a notice stating that within a certain time, not being less than one month from the time of such publication and deposit, written statements may be forwarded to the said board with respect to any matter contained in or omitted from the said report or further report, or any amendment proposed to be made therein ; and all such statements shall be deposited with such town clerk, clerk to justices, clerk to the board of guardians, and with such churchwardens or overseers respectively, in like manner as the said copies, and shall together with such copies, be open to public inspection from the hour of eleven in the forenoon to the hour of three in the afternoon every day during the time specified in the last-mentioned notice, Sundays, Christmas Days, Good Fridays, and days appointed for general fasts or thanksgivings only excepted ; and any town clerk, clerk to justices, clerk to the board of guardians, churchwardens, or overseers who shall refuse to receive any document or copy of any document directed to be deposited with him or them as aforesaid, or to allow such inspection, shall be liable for every such offence to a penalty not exceeding five pounds ; and after the expiration of such

last-mentioned notice the said board may, if they think fit, direct such further inquiry and report as to them may seem necessary and proper (n). ^{11 & 12 Vict. c. 63.}

10.

X. And be it enacted, that if after such inquiry or further inquiry as aforesaid it appear to the said general board of health to be expedient that this Act or any part thereof should be applied to the city, town, borough, parish, or place with respect to which inquiry has been made, upon the petition of such inhabitants as aforesaid, and within the same boundaries as those of such city, town, borough, parish, or place, and within which there is no local Act of Parliament in force for paving, lighting, (otherwise than for the profit of proprietors or shareholders), cleansing, watching, regulating, supplying with water, or improving such city, town, borough, parish, or place, or any part thereof, or in anywise relating to the purposes of this Act, they shall report to her Majesty accordingly; and at any time after presentation of such report it shall be lawful for her Majesty, by and with the advice of her privy council, to order that this Act or any part thereof shall be applied

Cases in which Act shall be put in force by order of her Majesty in Council.

(n) It must be noted that it is the object of the Act to cause the boundary in general to be co-extensive with the area to be drained or otherwise benefitted by the application of the Act; it is not, therefore, at all necessary that the district made under this Act shall be co-extensive with, or confined to, the parish or district from which the petition is presented.

**PUBLIC
HEALTH ACT,
1848.**

Cases in
which Act
shall be put in
force by pro-
visional order
of general
board, and
sanctioned by
parliament.

to and be put in full force and operation within such city, town, borough, parish, or place (o);

And if after such inquiry or further inquiry as aforesaid it appear to the said general board to be expedient that this Act or any part thereof should be put in force within boundaries not being the same as those of the city, town, borough, parish, or place from which the said petition proceeded, or within boundaries where no petition has been presented from such inhabitants as aforesaid, or within any city, town, borough, parish, or place in which any such local Act of parliament as aforesaid is in force, they shall make a provisional order under their hand and seal of office accordingly, with such provisions, regulations, conditions, and restrictions with respect to the application and execution of this Act or any part thereof, and with respect to any such local Act, and the repeal, alteration, extension, or future execution of the same, and in all respects whatsoever as they may think necessary under all the circumstances of the case; and such provisional order shall be published in the parts to which the same relates in such manner as the said general board may direct, and shall be deposited with the town clerk of any corporate borough affected thereby, and with the clerk to the commissioners or trustees acting under any such local Act, also with the clerk to the justices acting for any petty sessional division in which such parts may

(o) See for districts to which the Act has been already applied, appendix, No. VI. p. 253.

be, and with the clerk of the board of guardians of the union or parish the whole or part of which may be affected thereby ;

¹¹ & 12 VICT.
c. 62.
—

And if such provisional order relate to parts not being within any corporate borough, the said board shall cause other copies of the same to be deposited with the churchwardens or overseers of the poor of any parish in which such parts or any of them may be ; and in case it shall be enacted by any Act of Parliament hereafter to be passed that the whole or part of any provisional order or orders of the general board of health shall be confirmed and be absolute, the whole or part of such provisional order or orders which shall be so confirmed shall be as binding and of the like force and effect as if the same had been expressly enacted by parliament, and every such Act shall be deemed a public general Act ;

But no such provisional order shall have any force or effect, nor shall this Act or any part thereof be applied in either of the cases last aforesaid, except for the purposes of such inquiry, further inquiry, report, or provisional order, without the previous authority of parliament ; and no such provisional order, or any altered or amended order, shall be made with respect to any local Act of Parliament under which any waterworks company is empowered to construct waterworks or supply water for their own profit, without the consent of the waterworks company empowered by such local Act first had and obtained :

Exception
with respect
to certain
local Acts
for supplying
water.

PUBLIC
HEALTH ACT,
1848.

Consent of
town council,
&c. in certain
cases.

Provided always, that, except for the purposes of main sewerage, no corporate borough or any part thereof shall be included in any district not exclusively consisting of the whole or part of one such borough without the previous consent of the council under the common seal of the borough; but nothing herein contained shall be construed to require such consent to the constitution of a district exclusively consisting of the whole or part of one such borough for all or any of the purposes of this Act, nor to hinder or prevent the application of all or any of the provisions of this Act to parts exclusively consisting of the whole or part of one such borough, although the same parts or any of them may have been already included within a district for the purposes of main sewerage:— provided also, that, except for the purposes of main sewerage, no parts beyond the boundaries of a corporate borough shall be included in any district comprising the whole or part of any such borough, except upon the petition of a majority of the owners of property and rate-payers who would be qualified to vote in the election of members of a local board of health for the parts proposed to be so included; but nothing herein contained shall be construed to require such petition in order to the constitution of a district exclusively consisting of parts not within the boundaries of any such borough, nor to hinder or prevent the application of all or any of the provisions of this Act to a district

exclusively consisting of such last-mentioned parts, although the same parts, or any of them, may have been already included within a district for the purposes of main sewerage (o). ^{11 & 12 Vict. c. 63.}

11.

XI. And be it enacted, that from and after the making of any such order in council, or the passing of any Act of Parliament confirming any provisional order of the general board of health, the costs, charges, and expenses specially incurred by or under the direction of the said general board, or of any superintending inspector, in relation to any inquiry or further inquiry as aforesaid, shall, to such extent and amount as the commissioners of her Majesty's treasury by order under their hands may think proper to direct, become a charge upon the general district rates levied in such district under the authority of this Act, and be repaid to the said commissioners by annual instalments not exceeding five, together with interest after the yearly rate of five pounds in the hundred, to be computed from the date of any such last-mentioned order, upon so much of the principal sum due

Costs of preliminary inquiry, &c., with consent of treasury, to become a charge upon the general district rates.

(o) In a case submitted, the Attorney, A. E. Cockburn, and Solicitor General, W. P. Wood, were of opinion (June 2, 1851), that an outlying place cannot be united to a district for main sewerage purposes without further inquiry having been held within that place, and notices given, and deposits of report and statements, and order made in and for such place, as well as in and for the district with which it is proposed to be united.

PUBLIC
HEALTH ACT,
1848.

in respect of the said costs, charges, and expenses as shall from time to time remain unpaid.

12.

Town council
to be the local
board in dis-
tricts consist-
ing of one bo-
rough, &c.

XII. And be it enacted, that in every district exclusively consisting of the whole or part of one corporate borough the mayor, aldermen, and burgesses of such borough shall be, by the council of the borough, within and for such district the local board of health under this Act, and such council shall exercise and execute the powers, authorities, and duties of such local board according to the laws for the time being in force with respect to municipal corporations in England and Wales (*p*);—and in every district exclusively consisting of two or more of such boroughs, or of one or more of such boroughs and also of part of any other such borough

Selection, &c.
of local
boards by
town councils.

(*p*) In the case submitted to them (Sept. 18, 1850), having reference to this and s. 37, the General Board were of opinion that, although it was not compulsory, yet it might be convenient to appoint the town clerk of a corporation clerk to the local board; since the town clerk must sign the notices of meetings under sec. 69 of the Municipal Corporations Act, taken in connexion with sec. 12 of this Act.—See next page. And, in another case submitted to them (June 12, 1851), the board stated that the practice has been in such cases for the town clerk to sign the summons, and also the order for payments. In a case submitted to them (Nov. 5, 1850), they thought a member of the town council must resign his seat on being elected the officer of health of the local board. (See in connexion with this clause the 28th section of the Municipal Corporation Act.)

or boroughs, or exclusively consisting of part of two or more of such borough or boroughs, the mayors for the time being of the boroughs whereof the whole or part is within such last-mentioned district, and such number of other persons as shall be fixed by such provisional order as aforesaid to be selected by each of such councils respectively out of their own number, or from persons qualified to be councillors of the borough in respect of which the selection is to be made, and shall be named and selected by such councils accordingly, shall, within and for such district, be the local board of health under this Act; and in every district comprising the whole or part of any such borough or boroughs, and also parts not within the boundaries of any such borough (*q*), the mayor or mayors for the time being of the borough or boroughs whereof the whole or part is within such last-mentioned district, and such number of other persons as shall be fixed by such provisional order to be

^{11 & 12 VICT.}
^{c. 63.}

Selection of
part of local
board by
town councils
and part by
owners and
ratepayers.

(*q*) *Practice in Districts partly Corporate and partly non-Corporate.*—The General Board were of opinion (Nov. 4, 1850), that the effect of the provisional order is not to constitute two boards—or two sets of officials: that it is not advisable to have two sets of minute books: that it appeared to them to be the preferable course to enter the proceedings, in relation to main sewerage, under that head, and to confirm in each case the minutes under that head at the first subsequent board for main sewerage purposes: that all official correspondence which contains any act of a board should be sealed with the district seal, but letters of the clerk need not, although referring to such Act.

PUBLIC
HEALTH ACT,
1848.

selected by such council or each of such councils respectively out of their own number, or from the persons qualified to be councillors of the borough in respect whereof the selection is to be made, and shall be named and selected by such council or councils accordingly, shall, together with such number of persons as shall be elected as herein-after mentioned in respect of such non-corporate parts, be, within and for such district, the local board of health under this Act; and the first selection by any such council in pursuance of this Act shall be made on a day to be appointed by parliament; and each person selected by the council out of their own number shall be a member of the local board with which he is selected to act so long as he continues without re-election to be member of the council from whom he was selected, and no longer; and each person selected by the council otherwise than out of their own number shall be a member of the local board with which he is selected to act for one year from the date of his selection, and no longer; and in case of any vacancy in the number selected some other person or persons (as the case may require) shall be selected by the council by whom the person or persons causing the vacancy was or were selected, within one month after the occurrence of the vacancy; and the meeting of any council at which any selection as aforesaid is made in pursuance of this Act shall to all intents and purposes be deemed to be a meeting held in

pursuance of an Act passed in the sixth year of the reign of King William the Fourth, intituled "An Act for the regulation of municipal corporations in England and Wales."

^{11 & 12 Vict.}
^{c. 63.}
^{5 & 6 W. 4,}
^{c. 76.}

13.

XIII. And be it enacted, that in every district comprising the whole or part of any corporate borough or boroughs as aforesaid, and also any part or parts not within the boundaries of any corporate borough or boroughs, such number of persons qualified as herein-after prescribed, as shall be fixed by such provisional order as aforesaid to be elected for such part or parts, or for each of such parts respectively, shall from time to time be elected in such manner and by such owners of property and ratepayers as herein-after mentioned, to be, together with the persons selected as aforesaid in respect of the corporate parts of such district, and shall be, within and for such district, the local board of health under this Act;—and in every district not comprising the whole or part of any corporate borough or boroughs, but being a district to which this Act may be applied by order of her Majesty in council,—such number of persons, qualified as herein-after prescribed in this behalf, as shall be fixed by such order in council, shall be elected, in such manner and by such owners of property and ratepayers as herein-after mentioned, to be, and shall be, within and for such district, the local board of health under this Act;

Election of
members of
local board by
owners and
ratepayers.

PUBLIC
HEALTH ACT,
1848.

And in every district not comprising the whole or part of any corporate borough or boroughs, and being a district to which this Act cannot be applied without the authority of Parliament, such number of persons, qualified as herein-after prescribed, as shall be fixed by such provisional order as aforesaid, shall be elected, in such manner and by such owners of property and ratepayers as herein-after mentioned, to be, and shall be, within and for such district, the local board of health under this Act; and the first election for any district or part of a district shall take place on the day to be appointed by order of her Majesty in council or by Parliament (as the case may require); and one-third of the number elected for the whole or any part or parts of a district respectively shall go out of office on such day in each year subsequent to that of the first election as shall be appointed by such order in council or provisional order as aforesaid (as the case may require); and the order in which the persons first elected shall go out of office shall be regulated by each local board: Provided always, that if the number of persons to be elected be not divisible by three the proportion to go out of office in each year shall be regulated by such order in council or provisional order (as the case may require) so that as nearly as may be one-third shall go out of office in each year; and if the number of persons to be elected for any part of a district be less than three the

persons elected shall go out of office on such day in each year, or at such other period, not being less than a year, as such order in council or provisional order (as the case may require) shall direct ; but no person elected shall in any case continuously remain in office for more than three years ; and on the days appointed for going out of office a number of persons shall be elected equal to the number of those so going out, and so many others as may be necessary to complete the full number of the local board of health in respect of which the election is to be made (r).

11 & 12 VICT.
c. 63.

14.

XIV. And be it enacted, that the number of persons to be selected or elected for the whole

Regulations
as to the num-
ber of per-

(r) The Act is not very clear as to whether at the annual election of the members of a local board the one-third of the members, as directed by the statute, should be *exclusive* of those who have for any cause ceased to be members of the board, or *inclusive*. In practice, the reading of this section by various local boards has been diametrically opposite. In the case of the Croydon board, acting on the advice of the General Board of Health, it has been *inclusive* of those who may have ceased to be acting members, and this was the advice given by the General Board on two cases stated (May 8, 1851, and July 28, 1851).—The rule adopted by the local board of Croydon was that those members of the first board should first retire who attended the meetings of the board the least number of times, and this has been the principle since recommended by the General Board. The advantage of this plan will be found very considerable. The most active and zealous members remain undisturbed for three years, and by that time, most of the chief labours of the board are usually over.

PUBLIC
HEALTH ACT,
1848.

sons to be
selected or
elected mem-
bers of local
boards.

In case of
vacancies,
remaining
members may
act.

Persons both
selected and
elected, &c. to
serve in
respect of one
title only.

or any part of a district shall from time to time be regulated by such order in council or provisional order as aforesaid (as the case may require), due regard being had to the size and circumstances of each district, as may appear to be just and proper; and that any member of the local board of health after going out of office, resigning or otherwise ceasing to be such member, may, if otherwise qualified, be again selected or elected (as the case may require), —and in the event of any vacancy in the number of persons elected, by death, resignation, or otherwise, between the times appointed for election as aforesaid, or if at any time the said local board be without its full number of members, the remaining members shall continue and be as competent to act until the time appointed for election, or until the full number is selected or elected (as the case may require), as if no vacancy had occurred (*s*);—and if any person be both selected and elected to be a member of the local board of health, he shall, within three days after notice thereof from the clerk, choose or in default of such choice the local board of which he is so selected and elected to be member shall determine, the title in respect of which he shall serve, and immediately

(*s*) There are certain duties of a local board which require *five* members, as in making bye-laws, s. 115; documents offered in evidence, s. 36; mortgages, s. 111; consents, sanctions, and approvals, s. 149.

upon such choice or determination the person^{11 & 12 Vict. c. 63.} so selected and elected shall be deemed to be member only in respect of the title so chosen or determined, and his office as member in respect of any other title shall thereupon become vacant.

15.

XV. Provided always, and be it enacted, that if any corporate borough or part thereof be included only for the purposes of sewerage in any district comprising any part or parts not within the boundaries of any such borough, and the last-mentioned part or parts, or any of them, be constituted a district or districts for any other purposes of this Act,—the persons elected for such sewerage district shall, within and for the separate district within which they shall have been so elected, be and constitute the local board of health, in the same manner and as fully to all intents and purposes as if they had been expressly elected to constitute the same.

Members elected for part of a sewerage district to constitute separate board for other purposes of the Act.

16.

XVI. And be it enacted, that every person elected as aforesaid shall at the time of his election, and so long as he shall continue in office by virtue of such election, be resident within the district for which or for part of which he is elected, or within seven miles (t)

Qualification of elected members.

(t) The seven miles should be measured in a straight line (*Reg. v. Saffron Walden*, 9 Q. B. 79). Pollock, C. B., re-

PUBLIC
HEALTH ACT,
1848.

thereof, and be seised or possessed of real or personal estate, or both, to such value or amount as shall be fixed by such order in council or provisional order as aforesaid (as the case may require), within the limits next herein-after provided, or be so resident, and rated (*t*) to the relief of the poor of some parish, township, or place of which some part is within such district or part of a district, upon such annual value as shall be fixed by such order in council or provisional order (as the case may require), within the limits next herein-after provided:

Provided always, that it shall not be lawful to require that any person be seised or possessed as aforesaid to a value or amount exceeding one thousand pounds, or to require that any person be rated upon an annual value exceeding thirty pounds; provided also, that if two or more persons be jointly seised or possessed of real or personal estate, or both, of such value or amount as would, if equally divided between them, qualify each to be elected, or if two or more persons be jointly rated in respect of any pro-

marked in this case, "We have to lay down a fixed and absolute rule; the most reasonable rule appears to be that approved by my brother Parke, namely, a measurement by a direct line. By this we shall avoid the practical difficulty of a settlement being good one day and bad the next."

(*t*) As to what is annual value, see *R. v. Tomlinson*, 9 B. & C. 153; and see also s. 20 of this Act, *post*, p. 50.

11 & 12 VICT.
c. 63.

17.

**Declaration
to be made by
members of
local boards
before acting.**

“seised or possessed of real or personal
 “ [or real and personal] estate to the value
 “ or amount of [or that I am
 “ rated to the relief of the poor of
 “ upon the annual value of].

(Signed) *A. B.*"

"Made before us, C. D. and E. F.,
 "members of the local board of
 "health for the district of ,
 "this day of ."

False declaration a misdemeanour.

**PUBLIC
HEALTH ACT,
1848.**

to be untrue in any material particular, shall be deemed guilty of a misdemeanour.

18.

**Persons
neglecting to
make declara-
tion or to act
for three
months to
cease to be a
member.**

XVIII. And be it enacted, that any person elected as aforesaid, or selected by any council otherwise than out of their own number, who neglects to make and subscribe the declaration required by this Act for the space of three months next after his selection or election,—and any person selected or elected under this Act who during three successive months is absent from all meetings and committees of the local board of health of which he is elected or selected to be member,—shall be deemed to have refused to act, and shall cease to be a member of such local board, and his office as such shall thereupon become vacant.

19.

**Disqualifica-
tions.**

XIX. And be it enacted, that no bankrupt, insolvent, or other person not qualified as aforesaid shall be capable of being elected as aforesaid;—and if any person, after being so elected or selected by any council otherwise than out of their own number, shall lose or discontinue to hold his qualification,—or shall be declared bankrupt,—or shall apply to take the benefit of any Act for the relief or protection of insolvent debtors,—or shall compound with his creditors,—or if any member selected or elected under this Act shall accept or hold any office or place of profit under the local board of health of which he is member,

—or shall in any manner be concerned in ^{11 & 12 VICT. c. 63.} any bargain or contract (*u*) entered into by such board, or participate in the profit thereof, or of any work done under the authority of this Act in or for the district for which he is member,— then and in every such case such person shall, except in the cases next herein-after provided, cease to be such member, and his office as such shall thereupon become vacant ;

And any person who, not being duly qualified to act as member of the said local board, or who has not made and subscribed the declaration required of him by this Act, or who after being disqualified or disabled from acting by any provision of this Act shall so act (*v*), shall for every such offence be liable to a penalty of

(*u*) *Bargain or Contract.*—The General Board were of opinion (May 14, 1851), that the advancing money on mortgage of the rates, by a member of a local board, would be within the meaning of this disqualifying clause : but they drew a clear distinction (March 20, 1851), between advancing money before and after the election of a member of a board ; they thought that advancing the money to the board before his election did not operate as a disqualification. And the Attorney and Solicitor General (*A. E. Cockburn* and *W. P. Wood*, Sept. 19, 1851), were of opinion (as in the case of a local board in which there were not *five* members (see section 85) to sign a gas contract, who were not shareholders in the gas works, although a quorum of the board who made the agreement were not shareholders), that the contract having been entered into by a board duly formed may be signed by other members who would not have been qualified to vote.

(*v*) *Evidence of Acting.*—As to this, see *Williams v. Thomas*, 4 Exchequer, 479; *Hopley v. Young*, 8 Q. B. 63.

PUBLIC
HEALTH ACT,
1848.
—

fifty pounds,——which may be recovered by any person, with full costs of suit, by action of debt;

And in such action it shall be sufficient for the plaintiff to prove in the first instance that the defendant at the time when the offence is alleged to have been committed acted as such member; and the burthen of proving qualification, and the making and subscription of the declaration, or negating disqualification, by reason of non-residence, or not being seised or possessed of the requisite real or personal estate, or both, shall be upon the defendant:

Provided always, that no person, being a proprietor, shareholder, or member of any company or concern established for the supply of water, or for the carrying on of any other works of a like public nature,——shall be disabled from being, continuing, or acting as member of the said local board by reason of any contract entered into between such company or concern and such board;

But no such person shall vote as member of the said local board upon any question in which such company or concern is interested:

Provided also, that all acts and proceedings of any person disqualified, disabled, or not duly qualified as aforesaid, or who has not made and subscribed the said declaration, shall, if done previously to the recovery of the last-mentioned penalty, be valid and effectual to all intents and purposes whatsoever.

20.

XX. And be it enacted, that at every such election (*w*) as aforesaid the ratepayers in respect

11 & 12 VICT.
c. 63.
Qualification

(*w*) *Election of Members of Local Board.—Voting of Owners.*—By this section “ratepayers” in respect of property, “and the owners of such property,” are entitled to vote, and in a subsequent portion of this section there is a clear definition of what “owners” comprehend, viz. “persons in actual occupation of any kind of property rated to the relief of the poor, or any person receiving on his own account,” &c.—“the rack-rent of any such property.”

By section 24 the voting papers are directed to be delivered at “the *address*” of owner, but at the “*residence*” of ratepayers: “rateable value” may be taken by the returning officer to intend rated value, although the effect of this is commonly to give the owner a less number of votes than he would be entitled to if he was rated at the full value of his estate.

Notice of Ownership.—The General Board (Feb. 21, 1851), in a case submitted to them, advised that a notice which merely described the interest of the proprietor of the estate to be “owner” was not sufficient; and in another case (Feb. 25, 1851), that an owner having delivered to the clerk a proper notice of ownership previous to the first election, need not repeat that notice previous to succeeding elections; and they were of opinion (Sept. 9, 1850), that the appointment of a proxy need not be on a 2s. 6d. stamp. (See *post*, p. 200.)

The Persons who Vote.—There is no reason why an *unmarried* woman may not vote—see interpretation clause, where it is said that the *masculine* gender shall include women: there is not anything against this at common law (*Oliver v. Ingram*, 2 Strange, 1115). The person rated need not reside; bankrupt and insolvent ratepayers may vote—on the same principle I am inclined to think that pauper ratepayers may. There is no disqualification in the case of the returning officer or the officers of the local board. Infants, aliens, idiots, or lunatics, cannot vote, neither can felons. The General Board were of opinion (March 8, 1850), that joint owners of property under £50 a year have only one vote between them.

PUBLIC
HEALTH ACT,
1848.

of electors,
and scale of
voting.

of property in the district or part of a district for which the election is held, and the owners of such property,—shall be entitled to vote

The Rating of Voters.—There must have been a valid poor rate—the non-payment of an absolutely void rate is not an objection to a vote. It is no objection, however, to the rate that it was merely *irregular*:—*Fox's case*, 6 C. B. 11. In cases where the persons assessed claim under poor rate assessments made in an ambiguous form, the returning officer will exercise, I think, only a fair discretion when he adopts a liberal construction. This is the spirit in which the poor law commissioners have decided—"Thus," remarks Mr. Lumley, in his valuable Local Board of Health Election Manual, p. 9, "the occupiers may be described as *M. and Son, C. Brothers, A.'s Executors, B.'s Trustees*." Here the occupiers are presumed to be known, but described with brevity. The poor law commissioners have considered that, in the first case, the *son* might vote, *Off. Cir.* No. 26, 106; in the second, that R. L., one of the firm of C. Brothers, could vote; and that in the third case, the party who was A.'s executor could vote, 4 *Off. Cir.* 54.

It will be well, I think, on the same principle, not to reject the partners of a firm (*Moss v. St. Michael*, 7 M. & Gr. 75), nor a person whose christian name is wrong in the assessment—or the surname wrongly spelt—or who has been rated for more properties than one during the year—nor any person accidentally omitted from the rate. (*Rex v. Hulme*, 4 Q. B. 538.)

The General Board were of opinion (March 14, 1851), that where (under the 13 & 14th Vict. c. 99) the *owners* of small tenements instead of the occupiers are rated to the poor rates, that then such occupiers are disfranchised for the purposes of this Act, and the owners substituted in their place.

Payment of Rates.—The voter must have paid one year's poor rates made upon him, and all the local board of health rates which shall have been assessed upon him or become due, *except* such public health acts rates which shall have become due within the six previous months.

according to the scale following; (that is to say,) ^{11 & 12 Vict. c. 63.}

If the property in respect of which the

It is no objection to a person's vote, that, although he is assessed, his landlord or some other person pays his rates (*Cook v. Luckett*, 2 M. Gr. & S. 169). But of course the voter must be assessed (*R. v. Kilvington*, 5 A. and E. 216). It is not sufficient, however, the plea that the rate, though due, has never been demanded (*R. v. Bidwell*, 17 L. J. R. M. C. 105). The words in the Act "except such rates as shall have been made or become due within the six months immediately preceding" were held by the General Board of Health in a case (August 21, 1850), to refer only to rates due under the Public Health Act.

The number of Votes to which the Ratepayer is entitled.—

In this the Act is very explicit. In the case of the ratepayer being entitled to more than one vote, the computation must not be made upon its assumed or actual value, but upon the amount at which it is assessed in the poor rate. And in estimating the number of votes to which an owner or occupier is entitled, this must be founded on the aggregate rateable value—he is not entitled to a separate vote for each separate rating (The General Board, August 15, 1850). The returning officer must avoid an error into which more than one returning officer has fallen—he must not reject the votes of owners who are not also occupiers of the estate in right of which they claim; for instance, if an occupier is rated at £50 for his occupation, and also at £250 as owner of property in the district, he is entitled to eight votes—two for his occupation, and six for his ownership. The voter may vote for only one person if he pleases, but he must give the full number of his votes to each candidate; for instance, if he has ten votes, and there are two vacancies, he can give ten votes to each, but he cannot give the whole twenty to one person.

Statement of Owners' Qualifications.—The words "fourteen days at least before tendering his vote," mean fourteen clear days. The General Board, on a case stated, thought a notice delivered on the 18th of April for an election held

PUBLIC
HEALTH ACT,
1848.

person is entitled to vote be rated upon a rateable value of less than fifty pounds he shall have one vote,——if such rateable value amount to fifty pounds and be less than one hundred pounds he shall have two votes,——if it amount to one hundred pounds and be less than one hundred and fifty pounds he shall have three votes,——if it amount to one hundred and fifty pounds and be less than two hundred pounds he shall have four votes,——if it amount to two hundred pounds and be less than two hundred and fifty pounds he shall have five votes,——and if it amount to or exceed two hundred and fifty pounds he shall have six votes ;

And any person who is owner and also *bond fide* occupier of the same property shall be entitled to vote both in respect of such ownership and of such occupation ;

And the votes shall be given, taken, collected, and returned according to the directions hereinafter contained ;——and the majority of the

on the 2nd of May, too late. (See also *Rex v. Justices of Salop*, 8 A. & E. 173.)

Persons Elected.—A clergyman may be legally elected, and there seems to be no reason under this statute why the chairman (although the returning officer) may not be elected. A bankrupt or insolvent is expressly rendered ineligible by the Act; but the *having been* once a bankrupt or an insolvent does not, I take it, render the candidate thereafter ineligible, and the same remark applies to a person who has passed through the insolvent court.

votes actually collected and returned shall be binding on the district or part of a district for which the election is had ;—and whosoever shall not vote or shall not comply with such directions shall be omitted in the calculation of votes, and be deemed to have no vote :—

11 & 12 Vict.
c. 62.

Provided always, that the word “owner” and “owners,” when used in this Act in relation to the right of voting at any election under this Act,—shall respectively be construed to mean any person or persons for the time being in the actual occupation of any kind of property rateable to the relief of the poor, and not let to him or them at a rackrent,—or any person or persons receiving, either on his or their own account, or as mortgagee or mortgagees, or other incumbrancer or incumbrancers, in possession, the rackrent of any such property ;

Definition of
the words
“owner” and
“owners” as
applied to this
Act.

And no person shall be deemed a ratepayer or be entitled to vote as such at any such election unless he shall have been rated to the relief of the poor in the district or part of a district for which he claims to vote for the space of one whole year immediately preceding the day of tendering his vote,—and shall have also paid all rates made upon him for the relief of the poor in such district or part of a district for the period of one whole year,—and shall have also paid all such rates,—and all rates due from him under this Act, before that day, in such district or part of a district,

PUBLIC
HEALTH ACT,
1848.

——except rates which shall have been made or become due within the six months immediately preceding :

Provided also, that in case of property belonging to a corporation aggregate, or to a joint stock or other company, or to any body of proprietors or undertakers, such corporation, company, body of proprietors or undertakers respectively, shall be deemed to be one owner for the purpose of voting under this Act,——and shall vote by proxy appointed in writing under the common seal (in case of a corporation)——or (in any other case) under the hands of three directors or other persons in the direction or management of the company or concern ;

And no member of such corporation, nor any proprietor or person interested in such company or concern, shall be entitled to vote individually as owner in respect of such property ;

And no owner whosoever shall be entitled to vote as such, unless, fourteen days at least previously to the day of tendering his vote, he shall have delivered to the clerk,——or (in case of the first election) to such person within the district in which the qualification to vote is situate as shall be directed by such order in council or provisional order (as the case may require),

A statement in writing of his name and address,——and containing a description of the

nature of his interest or estate in the property giving the qualification,——and a statement of the amount of all rent-service (if any) which he may receive or pay in respect thereof,——and of the persons from whom he may receive or to whom he may pay the same;

11 & 12 Vict.
c. 63.

And no such corporation aggregate, joint stock or other company, body of proprietors or undertakers, shall be entitled to vote unless such statement contain the name and address of the proxy appointed, and a true copy of the appointment of such proxy.

21.

XXI. And be it enacted, that at every election by owners of property and ratepayers under this Act——the chairman of the local board of health,——or, in case of the first election, such person as shall be appointed by order of her Majesty in council, or by provisional order of the general board of health, (as the case may require,)

Elections, by
whom to be
conducted.

Shall have the powers and perform the duties vested in or imposed upon the said chairman by this Act in relation to any such election, and shall perform all other duties which it may be requisite for him to perform in conducting and completing elections under this Act; and in case the office of chairman shall be vacant at the time when any such power or duty must be executed or performed,——or in case the chairman or person appointed as last aforesaid, from illness or other sufficient cause,——

PUBLIC
HEALTH ACT,
1848.

shall be unable to exercise or discharge such powers or duties, or shall be absent, or shall refuse to act,

Some other person who shall be appointed (in case of the first election) by such order in council or provisional order,——or (in any other case) by the local board of health,——shall exercise or perform such of the said powers and duties as then remain to be exercised or performed ;

And the said local board, or (in case of the first election) the person appointed by such order in council or provisional order, shall, before or during the election, appoint a competent number of persons to assist and attend upon the chairman or the person so appointed (as the case may require) in conducting and completing the same.

22.

Production of
parochial
books, &c. for
purposes of
election.

XXII. And be it enacted, that the clerk of the board of guardians of any union, and the overseers or other officers of every parish, wholly or in part within the parts for which any such election shall be held,——and having the custody of any books or papers relating to the election of guardians of the poor,——or the poor rate books relating to any such parish,——shall permit the same to be inspected and copies or extracts to be taken therefrom by the said chairman (x),——or (in case of the first

(x) *Copies of rate-book.*—In answer to a question put to

election) by any person appointed by such order in council or provisional order as aforesaid; and the said chairman may, if he shall see fit, cause to be made an alphabetical list of the persons entitled to vote at the election.

11 & 12 Vict.
c. 63.

—
List of voters
&c. to be
made, if ne-
cessary.

23.

XXIII. And be it enacted, that the said chairman shall, before every such election,—prepare, sign, and publish a notice, which shall contain the particulars following; that is to say,

Publication of
notices pre-
viously to
election.

The number and qualification of the persons to be elected,—the persons by whom and the places where the nomination papers hereinafter mentioned are to be received,—and the last day on which they are to be sent,—the mode of voting in case of a contest,—and the days on which the voting papers will be delivered and collected, and the time and place for the examination and casting-up of the votes;

And he shall also cause such notice to be affixed on such places in the parts for which the election is to be held as are ordinarily made use of for affixing thereon notices of parochial

them (Sept. 19, 1851), the General Board were of opinion, that "the chairman of a local board is not, under sec. 22, merely a person entitled to copies or extracts from the rate-book, and as such one to whom a vestry clerk is bound, under the Act 13 and 14 Vict. cap. 56, to furnish copies and extracts at the rate of 4d. a folio; but a person entitled to take copies and extracts from the rate books, without the payment of a fee."

**PUBLIC
HEALTH ACT,
1848.**
—

business :—Provided always, that whenever the day appointed for the performance of any Act in relation to any such election shall be on a Sunday, Christmas-day, or Good Friday, or any day appointed for public fast or thanksgiving, such Act shall be performed on the day next following (y).

24.

**Nomination
and election
of candidates.**

XXIV. And be it enacted, that any person entitled to vote may nominate for the office of member of the local board of health himself (if qualified to be elected), or any other person or persons so qualified (not exceeding the number of persons to be elected) ;

And every such nomination shall be in writing, and shall state the names,—residence, —calling, or quality of the persons nominated,—and shall be signed by the party nominating,—and be sent to the said chairman, —and if the number of persons nominated shall be the same or less than the number of persons to be elected, such persons (if duly qualified) shall be deemed to be elected, and shall be certified accordingly by the said chairman under his hand ;

But if the number so nominated exceed the number to be elected,—the said chairman shall cause voting papers, in the form contained in the schedule (A.) to this Act annexed, to be

(y) The necessary form of notice is published by Mr. C. Knight. (See list at the end of Appendix VII.)

prepared and filled up, and shall insert therein the names of all the persons nominated,——
in the order in which the nomination papers were received,——but it shall not be necessary to insert more than once the name of any person nominated ;

^{11 & 12 Vict.}
^{c. 63.}

And the said chairman shall, three days before the day of election, cause one of such voting papers to be delivered by the persons appointed for that purpose to the address in the parts for which the election is to be held of each owner and proxy,

And at the residence of each ratepayer entitled to vote therein :

Provided always, that if any person put in nomination shall tender to the officer conducting the election his refusal in writing to serve as a member of the local board of health,——and if in consequence of such refusal the number of persons nominated shall be the same as or less than the number of persons to be elected, all, or so many of the remaining candidates as shall be duly qualified, shall be deemed to be elected, and shall be certified as such by the chairman under his hand.

25.

XXV. And be it enacted, that each voter shall write his initials in the voting paper delivered to him against the name or names of the person or persons (not exceeding the number of persons to be elected) for whom he intends to vote,——and shall sign such voting

Mode of
voting.

PUBLIC
HEALTH ACT,
1848.

paper ; — and when any person votes as a proxy — he shall in like manner write his own initials, — and sign his own name, — and state also in writing the name of the corporation, company, or body of proprietors or undertakers for which he is proxy :

Provided always, that if any voter cannot write — he shall affix his mark at the foot of the voting paper in the presence of a witness, — who shall attest and write the name of the voter against the same, — as well as the initials of such voter against the name of every candidate for whom the voter intends to vote.

26.

Regulations
as to collec-
tion of voting
papers.

XXVI. And be it enacted, that the said chairman shall cause the voting papers to be collected on the day of election by the persons appointed or employed for the purpose in such manner as he shall direct ; — but no voting paper shall be received or admitted unless the same have been delivered at the address or residence as aforesaid of the voter within the parts for which the election is had, — nor unless the same be collected by the persons appointed or employed for that purpose, except as next herein-after provided :

Provided always, that if any person qualified to vote shall not have received a voting paper as aforesaid, he shall, on application before that day to the said chairman, be entitled to receive a voting paper from him, and to fill up the

same in his presence, and then and there to deliver the same to him: 11 & 12 Vict.
c. 63.

Provided also, that in case any voting paper duly delivered shall not have been collected, through the default of the said chairman, or the persons appointed or employed to receive the same, the voter in person may deliver the same to the said chairman before twelve o'clock at noon on the day, or the first day, (as the case may be,) appointed for the examination and casting-up of the votes.

27.

XXVII. And be it enacted, that the chairman shall, on the day immediately following the day of the election (z)——and on as many Regulations
as to examin-
ation of votes
and elections
of local
boards.

(z) In periods of contested elections much excitement commonly prevails, and strong efforts are sometimes made to mislead or confuse a returning officer. The great and safe rules to guide the chairman in such cases are, to do his duty impartially and honestly, and to use his own common sense. He need not be nervous about any *unintentional* mistakes. The whole of the directions for the duty of the chairman in casting up the votes are contained in this section, which being on a penal statute must be construed strictly; the Act gives no directions for giving a list of the voters. The chairman is directed to "cast up the votes as he shall find to be valid, and to have been duly given, collected, or received, and ascertain the number of such votes for each candidate." The chairman must do so to the best of his ability. The chairman may be a bad master of addition—he may himself adopt an erroneous mode of doing so. He may misspell the name of a candidate, and print it so as to materially injure his election; but still, if he does it through ignorance, I apprehend no penalty attaches—no action lies. By sec. 140, "no matter or thing done, &c., by any member of the local board," "if the matter or thing were done"

PUBLIC
HEALTH ACT,
1848.

Notices to be
sent to per-
sons elected.

List of per-
sons elected,
&c. to be
transmitted to
local boards,
who shall
deposit the
same, which
shall be open
to inspection.

days immediately succeeding as may be necessary, attend at the office of the local board of health,—and ascertain the validity of the votes,—by an examination of the rate books and such other books and documents as he may think necessary,—and by examining such persons as he may see fit;—and he shall cast up such of the votes as he shall find to be valid, and to have been duly given, collected, or received, and ascertain the number of such votes for each candidate;—and the candidates to the number to be elected who, being duly qualified, shall have obtained the greatest number of votes, shall be deemed to be elected, and shall be certified as such by the said chairman under his hand;

And to each person so elected the said chairman shall send or deliver notice of such election;—and the said chairman shall also cause to be made a list containing the names of the candidates,—together with (in case of a contest) the number of votes given for each, —and the names of the persons elected,—and shall sign and certify the same, and shall deliver such list, together with the nomination

“bona fide for the purpose of executing this Act,” “shall subject them personally to any action, liability, claim, or demand whatsoever.” As to costs of suit, see s. 139; see *post*, s. 28. As to persons *aggrieved*, see s. 111 (refusal of the clerk to permit inspection of register of mortgages), and s. 59 (keeping swine or a pigstye “so as to be a nuisance to any person”).

and voting paper which he shall have received, ^{11 & 12 VICT. c. 63.} to the local board of health at their first or next meeting (as the case may be (a), who shall cause the same to be deposited in their office,——and the same shall, during office hours thereat, be kept open to public inspection, together with all other documents relating to the election, for six months after the election shall have taken place, without fee or reward;

And the said chairman shall cause such list to be printed, and copies thereof to be affixed at the usual places for affixing notices of parochial business within the parts for which the election shall have been made.

28.

XXVIII. And be it enacted, that if the said chairman or other person charged with taking, collecting or returning the votes at any such election as aforesaid——shall neglect or refuse to comply with any of the provisions of this Act in that behalf,——he shall be liable for every such offence to a penalty not exceeding

Penalty upon persons conducting elections neglecting to comply with provisions of this Act.

(a) In a case submitted (Oct. 2, 1850), the General Board were of opinion, that the returning officer at a first election should name the day (and hour and place) for the first meeting of the newly elected local board.

Termination of labours.—The General Board were of opinion, in a case submitted (February 17, 1851), that a local board has no power to give up its functions entirely, on the plea that it has accomplished its objects; and that a chairman is bound to proceed to an annual election of members, under a penalty of 50*l.* for every neglect.

PUBLIC
HEALTH ACT,
1848.

fifty pounds (b);—and any person employed for the purposes of any such election, by or under the said chairman or other person charged as aforesaid, who shall be guilty of any such neglect or refusal, shall be liable for every such offence to a penalty not exceeding five pounds.

29.

Defects in
election, &c.
not to invali-
date proceed-
ings.

XXIX. And be it enacted, that all proceedings of the local board of health, and of any person acting as member or under the authority thereof, shall notwithstanding any defect in the selection or election of such board or any member thereof, be as valid and effectual as if no such defect had ever existed.

30.

Expenses of
elections to be
defrayed out
of general
district rates.

XXX. And be it enacted, that the necessary expenses attendant upon any such election as aforesaid,——and such reasonable remuneration to returning officers and other persons for services performed or expenses (c) incurred by

(b) In an action against a returning officer, for refusing a vote, the *malice* of the defendant is an essential ingredient to support the action. (See *Cullen v. Smith*, 2 Starkie's Reports, 577.) In this case (which was tried before Lord Tenterden, chief justice), the judge remarked—"The officer could not discharge his duty without great peril and apprehension, if in consequence of a *mistake* he became liable to an action." That this was the meaning of the framers of the Public Health Act, is evident from s. 140.

(c) The local board must determine the fair amount of the expenses, and allowances to the returning officer. It is not necessary at either the first or subsequent elections to submit his charges to the General Board of Health. (In re —, Feb. 22, 1851.)

them in relation thereto as shall from time to time be allowed by the local board of health in that behalf, shall be paid out of the general district rates to be levied under this Act.

31.

XXXI. Provided always, and be it enacted, that nothing herein-before contained with respect to the appointment, selection, or election of any local board of health, or member thereof, shall apply to the city of Oxford, or the parts within the jurisdiction of the commissioners for amending certain mileways leading to Oxford, and making improvements in the University and city of Oxford, the suburbs thereof, and the adjoining parish of Saint Clement, (which commissioners are herein-after called the Oxford commissioners,) or to the borough of Cambridge, or the parts within the jurisdiction of the commissioners acting under an Act of the thirty-fourth year of the reign of king George the Third, for amending and enlarging the powers of a former Act of the same reign, for the better paving, cleansing, and lighting the town of Cambridge, for removing and preventing obstructions and annoyances, and for widening the streets, lanes, and other passages within that town (which commissioners are herein-after called the Cambridge commissioners); and if the city of Oxford, or the parts within the first-mentioned jurisdiction, become a district under this Act, the same shall be called the Oxford district, and the said Oxford

11 & 12 Vict.
c. 63.

Local board
of health in
Oxford and
Cambridge to
consist of Ox-
ford and Cam-
bridge im-
provement
commission-
ers. 52 G. 3,
c. 73.
54 G. 3, c.
104.

PUBLIC
HEALTH ACT,
1848.

commissioners for the time being shall, within and for such district, be the local board of health under this Act; and if the borough of Cambridge, or the parts comprised within the jurisdiction secondly above mentioned, become a district under this Act, the same shall be called the Cambridge district, and the said Cambridge commissioners for the time being shall, within and for such district, be the local board of health under this Act.

32.

With respect
to the execu-
tion of the
Act by com-
missioners
under local
Acts in other
cases.

XXXII. And be it declared and enacted, that whenever by any such provisional order as aforesaid the commissioners or trustees acting under any local Act of parliament are constituted the local board of health under this Act, such commissioners or trustees shall, within and for the district to which such provisional order applies, exercise and execute the powers, authorities, and duties vested in or imposed on the local board of health by this Act, and so much of this Act as relates to the appointment, election, or selection of local boards of health shall not apply to such district.

33.

Local board
of health, in
case of a
district after-
wards becom-
ing a corpo-
rate borough.

XXXIII. And be it enacted, that if, after the application of this Act to any district the parts constituting the district shall afterwards become or be entirely comprised within the limits of a corporate borough, the mayor, aldermen, and burgesses of such borough shall from and after such day as shall have been spe-

cified in the charter of incorporation in this behalf be, by the council of the borough, the local board of health within and for such district; and in case any day shall have been so specified, but not otherwise, the powers, authorities, duties, property, and liabilities, of any other persons as such local board shall from and after that day absolutely cease and determine, and be vested in such mayor, aldermen, and burgesses, as fully to all intents and purposes as if they had always been the local board of health from the time when the district was originally constituted.

11 & 12 VICT.
c. 63.

34.

XXXIV. And be it enacted, that the local board of health of every non-corporate district—shall hold an annual meeting and other meetings for the transaction of business under this Act once at least in each month,

Meetings of
local boards
of noncorpo-
rate districts,
and regula-
tion of busi-
ness, &c.

And at such other times as may be necessary for properly executing its powers and duties under this Act, and shall from time to time make bye-laws with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business by such board under this Act (d):

(d) *General Principles.*—There are many cases which will always occur in the administration of the duties of a local board of health to which no general rule, however well considered, can apply. A decision which would work most equitably in ninety-nine instances will need a great variation

PUBLIC
HEALTH ACT,
1848.

Provided always, that no business shall be transacted at any such meeting unless at least one-third of the full number of members be

in the hundredth to afford justice to the ratepayer. The good sense alone of a local board can avail in cases like these.

There are certain good principles of action, however, which will serve at all times, such as—1. The earnest endeavour to do justice without fear or favour. 2. A command of temper, evinced by a patient examination of every complaining ratepayer's case. 3. The avoidance (in cases of combined resistance) of all legal proceedings as much as possible; and when these are absolutely necessary, making the most opulent of the resisters defendants, since these are best able to pay costs, and a legal decision against these is pretty certain to influence the smaller ratepayers.

The meetings of the local board.—At the first meeting of a local board the first thing to be done is for all the members present to sign the declaration required by the 17th section of the Public Health Act.

The second thing is to elect a chairman for the year. (See s. 34.)

It will be well if the board thus formed next proceed with as little delay as possible to fix their regular days of meeting. (See s. 34.) To elect a clerk, and fix his salary (in the case of Croydon it is 100*l.* per annum); an inspector of nuisances; a surveyor (at Croydon 250*l.* per annum); a collector of rates (in case of Croydon 100*l.* per annum); and a treasurer. (See s. 37.) At Croydon there is also a book-keeper appointed to keep the account-books of the board.

It will be well if the board next cause a notice to be distributed, and publicly posted at the usual places in the parish, stating the nature of the public health, and the chief objects to which the attention of the inhabitants must be immediately directed. In the case of Croydon the notice was in the form which will be found in the Appendix No. I. (See *post*, p. 232.)

It will be well if the board also forthwith receive, examine, and pay, the account of the returning officer for his expenses

present thereat (e), except in either of the districts to be called the Oxford and Cambridge districts, in which cases business may be transacted if at least seven members be present ;

11 & 12 VICT.
c. 63.

in conducting the election of the board (see s. 30); in the case of Croydon, he is paid at the same rate as the returning officer at the contested elections of the guardians of the poor.

Offices for the surveyor and the clerk, and for the meetings of the board, must be provided. (See s. 35.)

The question of the days and hour of the meetings of the board, and as to the admission of the public, will require the early decision of the board. At Croydon the board night is Tuesday, the meeting being at seven o'clock p. m., and the public have never been admitted. In all the early meetings at least, and until all great works of drainage and water supply are arranged and carried out, I would commend a similar course to other local boards. As long as it is desirable to have above all things an *acting*, and not a *talking* board, and to have for its members the most respectable and influential men of business, so long will it be desirable that their meetings should not be in public.

The duty of meeting once a month is a duty imperative upon a local board by s. 34; they are to meet once a month for the transaction of business and must appoint a chairman. There are other duties of a local board, for which, in case of neglect or refusal, a mandamus might be obtained. See s. 27.

If one-third (or one-fourth in the case of Croydon) of the members of a board are present at a meeting, the board is formed. If a division takes place, and some of the members, or even the majority of a board, abstain from voting, that will not invalidate the resolution. Those who refrain from voting delegate their powers to those who do. (See *Brain-tree church-rate case*, 12 A. and E. 265; *Oldknow v. Wainwright*, 2 Barr, 1017; *Rez v. Howkins*, Cowper, 530; *Rez v. Howkins*, 10 East, 211; *Rez v. Parry*, 14 East, 549.)

The mayor of a district partly non-corporate is not ex-officio chairman of the local board. (By the General Board in a case submitted to them October 2, 1850.)

(e) One-fourth at Croydon.

PUBLIC
HEALTH ACT,
1848.

And all questions shall be decided by a majority of votes;—and the names of the members present, as well as of those voting upon each question, shall be recorded;

And the said local board shall at their first meeting under this Act, and afterwards from time to time at their annual meeting, appoint one of their number to be chairman for one year at all meetings at which he is present;—and in case the chairman so appointed be absent from any meeting at the time appointed for holding the same the members present shall appoint one of their number to act as chairman thereat;

And in case the chairman appointed as first aforesaid die, resign, or become incapable of acting, another member shall be appointed to be chairman for the period during which the person so dying, resigning, or becoming incapable would have been entitled to continue in office, and no longer;

And the chairman at any meeting shall have a second or casting vote in case of an equality of votes; but nothing herein contained with respect to the appointment of chairman shall apply to any district to be called the Oxford or Cambridge district, and in such districts the Oxford or Cambridge commissioners respectively shall appoint a chairman as heretofore.

35.

Local boards
to provide
offices for

XXXV. And be it enacted, that the local board of health shall from time to time provide

and maintain such offices as may be necessary for transacting their business and that of their officers and servants under this Act (f),

11 & 12 Vict.
c. 63.

transacting
business, and
cause a seal
to be made.

And (in the case of a non-corporate district) shall cause to be made a seal for the use of such board in the execution of this Act;—and documents or copies of documents purporting to proceed from the said local board, and to be signed by any five or more members (g) thereof, and to be sealed or stamped with such seal, or (in the case of a corporate district) to be sealed with the common seal (h), shall be re-

(f) In a case submitted (Aug. 19, 1850), the General Board thought, in reference to secs. 34 and 98, that if the office of the local board was kept open three days in the week, that this would be a reasonable time. There appears to be no reason why local boards may not purchase, hire, or take upon lease, premises for the purpose of this Act. (See s. 84.)

Signatures of the five members.—The persons signing should be described in the document as being members, under the Public Health Act, 1848, of the local board for the district to which they belong. (*Wilts Railway Company*, 3 Exchequer, 728.) As to the admission of official documents in evidence, see 8 & 9 Vict. c. 113.

(g) *The Seal.*—The board must provide a Public Seal. In the case of Croydon, it has on it the image of Hygeia, the Goddess of Health, and the motto "Te semper antit sæva necessitat" (Dire necessity precedes thee). See s. 35 as to documents and copies of documents being sealed with the seal of the board; as to the sealing of consents and approvals, see s. 149; as to sealing contracts, see s. 85; or the appointment of an arbitrator, see s. 123; as to sealing bye-laws, see s. 115; and mortgages, see s. 111.

(h) That is, the *Corporation* seal.

PUBLIC
HEALTH ACT,
1848.

ceived as *prima facie* evidence in all courts and places whatsoever.

36.

Committees
may be
appointed.

XXXVI. And be it enacted, that the local board of health may from time to time appoint out of their own number so many persons as they may think fit, for any purpose which in the opinion of the said local board would be better regulated and managed by means of a committee:—Provided always, that the Acts of every such committee shall be submitted to the said local board for their approval.

37.

Power to
local boards
to appoint
surveyor,
inspector of
nuisances,
clerk, trea-
surer, &c.

XXXVII. And be it enacted, that the local board of health shall from time to time appoint fit and proper persons to be—surveyor,—inspector of nuisances,—clerk, and treasurer—for the purposes of this Act, and shall appoint or employ such collectors—and other officers and servants as may be necessary and proper for the efficient execution of this Act,

And shall make bye-laws for regulating the duties and conduct of the several officers and servants so appointed or employed;—and the said local board may pay, out of the general district rates to be levied under this Act, to such officers and servants, such reasonable salaries, wages, or allowances as the said local board may think proper (*i*);—and every such

(*i*) The Croydon local board have appointed a clerk, at a salary of 100*l.* per annum; an engineer and surveyor, at a

officer and servant shall be removable by the said local board at their pleasure,—subject nevertheless, in the case of the removal of the surveyor, to the approval of the general board of health :

Provided always, that the same person may be both surveyor and inspector of nuisances ;

^{11 & 12 Vict.}
^{c. 63.}

Same person
may be sur-
veyor and

salary of 250*l.* per annum; an assistant surveyor of the roads, at a salary of 75*l.* per annum; a consulting engineer, assistants, book-keeper, and a treasurer (who finds security by the deposit of 2000*l.* consols in the hands of four members of the board, in trust).

They have taken security from the treasurer and collector, but not from the clerk. In a case submitted (Nov. 20, 1850), the General Board thought it would be "well," although not obligatory on the local board, to take such security from the clerk. In another case (March 10, 1851), they thought it must be for the local board to determine what was good and sufficient security for a treasurer; that the appointment would not be invalidated by the non-execution of a bond in the common form with sureties, but that the local board must incur any liability that might accrue in the event of their appointing a treasurer without the usual legal guarantees: and in another case (May 5, 1851), that the appointment of the chairman of a local board as treasurer appeared inconsistent with the provisions of the 19th section of the Act. In the case of Croydon, all payments are made by cheques drawn upon a banker (nominated by the treasurer), signed by three members of the board, and countersigned by the clerk.

The General Board were also of opinion (June 19, 1851), that the appointment of clerk in the case of a partnership would be of an individual of that partnership. And in another case (January 14, 1851), that the meeting of a local board in a corporate district, summoned by the clerk (not being the town clerk), was a legal meeting for the purposes of the Act.

PUBLIC
HEALTH ACT,
1848.

inspector of
nuisances, but
not clerk and
treasurer.

but neither the person holding the office of treasurer, nor his partner, nor any person in the service or employ of them or either of them, shall hold, be eligible to, or shall in any manner assist or officiate in the office of clerk; and neither the person holding the office of clerk, nor his partner, nor any person in the service or employ of them or either of them, shall hold, be eligible to, or shall in any manner assist or officiate in the office of treasurer;

And whosoever offends in any of the cases enumerated in this proviso shall forfeit and pay the sum of one hundred pounds, which may be recovered by any person, with full costs of suit, by action of debt.

38.

Penalty upon
officers, &c.
interested in
contracts or
taking fees
improperly.

XXXVIII. And be it enacted, that no officer or servant appointed or employed by or under the local board of health shall in anywise be concerned or interested in any bargain or contract made with such board for the purposes of this Act;

And if any such officer or servant be so concerned or interested, or shall, under colour of his office or employment,—exact, take, or accept any fee or reward whatsoever, other than his proper salary, wages, and allowances, he shall be incapable of afterwards holding or continuing in any office or employment under this Act,—and shall forfeit and pay the sum of fifty pounds, which may be recovered by any

person with full costs of suit by action of debt ^{11 & 12 VICT.}
(k). _{c. 63.}

39.

XXXIX. And be it enacted, that before ^{Officers, &c.}
any such officer or servant enters upon any ^{intrusted}
office or employment under this act by reason ^{with money to}
whereof he will or may be intrusted with the ^{give security,}
custody or control of money,——the local board ^{and to}
of health by whom he is appointed shall require ^{account.}
and take from him sufficient security for the
faithful execution of such office or employment,
and for duly accounting for all moneys which
may be intrusted to him by reason thereof;

And every such officer or servant employed
in the collection of rates under the authority of
this Act shall, within seven days after he shall
have received any money on account of such
rates, pay over the same to the treasurer,——
and shall, as and when the said local board may
direct, deliver a list, signed by him, containing
the names of all persons who have neglected
or refused to pay any such rate, and the sums
respectively due from them; —— and every
officer and servant appointed or employed by
or acting under the said local board shall re-

(k) The General Board were of opinion (Dec. 23, 1850),
on a case submitted, that where the local board by the terms
of the contract impose the expense of preparing it on the
contractor, they are at liberty to do so, and the clerk (who
had prepared the contract, and duplicate, and specification)
was at liberty to receive a fair remuneration from the con-
tractors for the same.

PUBLIC
HEALTH ACT,
1848.
—

spectively, when and in such manner as shall be required by such board, make out and deliver to them a true and perfect account in writing of all moneys received by him for the purposes of this Act, and stating how,—and to whom,—and for what purpose—such moneys have been disposed of, and shall, together with such account, deliver the vouchers or receipts for all payments made by him,—and pay over to the treasurer all moneys owing by him upon the balance of accounts;

Summary
proceedings
to be taken in
case of failing
to account,
&c.

And if any such officer or servant fail to render such account, or to produce and deliver up such of the said vouchers and receipts as may be in his possession or power, or to pay over any such moneys as aforesaid,—or if for the space of five days after being thereunto required he fail to deliver up to the said local board all papers and writings, property, effects, matters, and things in his possession or power relating to the execution of this Act, or belonging to such board, then and in every such case a justice shall, on complaint being made to him in that behalf, summon the party charged to appear and answer the complaint before two justices at a time and place to be specified in the summons;

And upon the appearance of the party charged, or upon proof that the summons was personally served upon him, or left at his last known place of abode or business,—and if it appear to the last-mentioned justices that he

has failed to render any such accounts—or to ^{11 & 12 Vict.} produce and deliver up any such vouchers or _{c. 63.} receipts, or any such papers, writings, property, effects, matters or things as aforesaid, and that he still fails or refuses so to do,

They may, by warrant under their hands and seals, commit the offender to gaol, there to remain, without bail, until he shall have rendered such accounts, and produced and delivered up all such vouchers, receipts, books, papers, writings, property, effects, matters, and things, in respect of which the charge was made;

And if it appear that the party charged has failed to pay over any such moneys as aforesaid, and that he still fails or refuses so to do, the last-mentioned justices may, by a like warrant, cause the same to be levied by distress and sale of his goods and chattels, and in default of any sufficient distress commit him to gaol, there to remain, without bail, for a period of three months (1),—unless such moneys be sooner paid:

Provided always, that if the complainant, by deposition on oath, show to the satisfaction of any justice that there is probable cause for believing that the party charged intends to

(1) Notwithstanding the proceedings before justices authorised by this Act, an action still lies on the part of the local board against a defaulter. (*Lichfield v. Simpson*, 8 Q. B. 65; *Barry v. Arnaud*, 10 A. & E. 646.)

PUBLIC
HEALTH ACT,
1848.

abscond,—such justice may without previous summons, by warrant under his hand and seal, cause him to be forthwith apprehended; and in such case the said party shall, within twenty-four hours after apprehension, be brought before the same or some other justice, who may order that he be discharged from custody if such justice think that there is no sufficient ground for detention, or that he be further detained until he be brought before two justices at a time and place to be named in the order, unless bail to the satisfaction of the justice be given for the appearance of the party before such two justices:—Provided also, that no such proceeding shall be construed to relieve or discharge any surety of the offender from any liability whatsoever.

40.

Power to
appoint officer
of health.

XL. And be it enacted, that the local board of health may from time to time, if they shall think fit, appoint a fit and proper person, being a legally qualified medical practitioner or a member of the medical profession, to be and be called the officer of health(*m*),—who shall be removable by the said local board, and shall

(*m*) It will, of course, be the most advisable to appoint a medical officer who is not engaged in private practice. As, however, this can only be practicable in large and densely populated districts, the General Board have, in some cases, given their provisional sanction to the appointment of medical gentlemen in actual practice.

perform such duties as the said general board shall direct ; and the same person may be officer of health for two or more districts ;—and the local board or boards of health of the district or districts respectively for which any such officer is appointed may pay to him, out of the general district rates to be levied under this Act, such remuneration by way of annual salary or otherwise as the said local board or boards may by order in writing determine and appoint,

And (in case of a joint appointment for two or more districts) in such proportions as the said general board may by order in writing determine and appoint:—Provided always, that the appointment and removal of the officer of health shall be subject to the approval of the said general board.

41:

XLI. And be it enacted, that the said local board of health may, if they shall think fit, cause to be prepared, or to procure, a map exhibiting a system of sewerage for effectually draining their district for the purposes of this Act, upon a scale to be prescribed by the general board of health⁽ⁿ⁾;—and every such map shall be kept at the office of the said local

Map exhibiting system of sewerage.

(n) The map prepared for the special district of the town of Croydon was upon a scale of 120 inches to a mile. The rule at Croydon is, that any parishioner requiring tracings or copies of the map, the same shall be made for him by the surveyor, who charges a reasonable sum, which sum is carried to the district fund account.

PUBLIC
HEALTH ACT,
1848.

board,—and shall at all reasonable times be open to the inspection of the ratepayers of the district to which it applies.

42.

Expense of
surveys, &c.

XLII. And be it enacted, that the expense of surveys, maps, or plans made, prepared, or procured by the local board of health for the purposes of this Act, shall be defrayed out of the general district rates to be levied under this Act.

43.

Sewers, &c.
vested in local
board.

XLIII. And be it enacted, that all sewers, whether existing at the time when this Act is applied or made at any time thereafter, (except sewers made by any person or persons for his or their own profit, or for the profit of proprietors or shareholders,

And except sewers made and used for the purpose of draining, preserving, or improving land under any local or private Act of parliament, or for the purpose of irrigating land, and sewers under the authority of any commissioners of sewers appointed by the crown,) together with all buildings, works, materials, and things belonging or appertaining thereto, shall vest in, belong to, and be entirely under the management and control of, the local board of health.

44.

Power to
purchase, &c.
certain
sewers.

XLIV. And be it enacted, that the local board of health may, if they shall think fit, purchase the rights, privileges, powers, and authorities, vested in any person for making

sewers; or contract for the use of any sewers within their district, or purchase any such sewers, with or without the buildings, works, materials, and things belonging or appertaining thereto ;

^{11 & 12 VICT.}
^{c. 63.}

And any person to whom any such rights, privileges, powers, authorities, sewers, buildings, works, materials, or things belong, may sell and dispose of the same to or otherwise contract with the said local board ;—and in case of any such sale, the purchase money shall be settled and applied to the same uses and trusts to which the property purchased may have been subject at the time of such sale,

And the property purchased shall vest in and belong to the local board of health purchasing the same, anything to the contrary notwithstanding : Provided always, that, notwithstanding any such purchase, any person who previously thereto may have acquired perpetual right to use any sewer so purchased shall be entitled to use the same or any other sewer substituted in lieu thereof, in as full and ample a manner as he would or might have done if such purchase had not been made.

45.

XLV. And be it enacted, that the local board of health shall from time to time repair the sewers vested in them by this Act,

Making, alteration, and discontinuance of sewers vested in local board.

And shall cause to be made such sewers(o)

(o) *Sewers.*—In the case of Croydon and other towns,

PUBLIC HEALTH ACT, 1848. as may be necessary for effectually draining their district for the purposes of this Act;— and the said local board may carry any such

The sizes employed at Croydon under the direction of Mr. W. Ranger and Mr. T. Cox have been—

For main sewers, 9 to 15 inches

It is of course desirable that the storm waters should be carried off by a drain distinct from that for sewage. The gully-holes in streets, however well these may be trapped,

sewers through, across, or under any turnpike road,——or any street or place laid out as or intended for a street,——or under any cellar or vault which may be under the pavement or carriageway of any street,——and after reasonable notice in writing in that behalf, (if upon the report of the surveyor it should appear to be necessary,) into, through, or under any lands whatsoever (*p*);

^{11 & 12 Vict.}
^{c. 63.}
—

And the said local board may from time to time enlarge, lessen, alter, arch over, or otherwise improve all or any of the sewers vested in them by this Act,——and discontinue, close up, or destroy such of them as they may deem to have become unnecessary:

Provided always, that the discontinuance, closing up, or destruction of any sewer shall be

are a fertile source of annoyance. Their action is continually impeded by the entrance of straw and other substances, and then the gases of a sewer are sure to find their way past the trap. It will be only therefore in cases of necessity that any storm waters should be drained into sewers.

At Croydon the outfall of the chief sewer is into a covered building furnished with receiving tanks and strainers, through which the sewage passes. The heavier portions of the mechanically suspended matters are thus separated from the clearer and fluidal portion, which last is afterwards discharged into the river Wandle.

(*p*) The owner of such lands are, however, entitled to compensation (s. 144); but a tender of compensation need not be previously made. (*Peters v. Clarkson*, 7 M. & G. 548.) As to injuries the result of underground work (*Acton v. Blundell*, 12 M. & W. 324): and as to water soaking underground and imperceptibly into the land of another, see *Cooper v. Barber*, 3 Taunton, 99.

PUBLIC
HEALTH ACT,
1848.

so done as not to create a nuisance;—and if by reason thereof any person is deprived of the lawful use of any sewer the said local board shall provide some other sewer as effectual for his use as the one of which he is so deprived.

46.

As to cleans-
ing and
emptying
sewers, &c. by
local board.

XLVI. And be it enacted, that the local board of health shall cause the sewers vested in them by this Act to be constructed, covered, and kept so as not to be a nuisance or injurious to health,—and to be properly cleared, cleansed, and emptied;

And for the purpose of clearing, cleansing, and emptying the same they may construct and place, either above or under ground, such reservoirs, sluices, engines, and other works as may be necessary,

And may cause all or any of such sewers to communicate with and be emptied into such places as may be fit and necessary,

Or to cause the sewage and refuse therefrom to be collected for sale for any purpose whatsoever, but so as not to create a nuisance (*q*).

(*q*) *The Agricultural uses of the Sewage of Towns.*—The disposal of the sewage of a town, which by ss. 46—56 is entrusted to the local board, is a very important consideration. Of the value of this for the irrigation of land there is no doubt. The best means of disposing of it is unfortunately a far less well understood question. The sewage of the city of Edinburgh has been long and advantageously used for the irrigation of about 300 acres of grass land. That the produce of these sewage irrigated meads is very large is evidenced by the great rents which they pay; and in the

47.

XLVII. And be it enacted, that it shall not be lawful to cause any sewer or drain to communicate with or to be emptied into any sewer

11 & 12 Vict.
c. 63.

Penalty for
making un-
authorised

"minutes of information" by the General Board of Health (1851, p. 80), it is stated, on the authority of Mr. Bryce, the resident manager of the Edinburgh meadows, that the action of the sewage-water is not a sudden impetus, followed by reaction and exhaustion, but the land goes on increasing in value according to the length of time the system has been in operation. Of the 300 acres thus irrigated at Edinburgh, to about 250 acres the sewage is applied by its own gravity; on to the surface of about 50 acres it is raised by the aid of a steam engine.

The rent paid for sewage irrigated water meads is a fair indication of the value of the manure. The meadows of Edinburgh, it seems, in 1851, were let (per Scotch acre about 1½ English) at rates averaging rather more than 20*l.* per acre. (The Hon. F. D. Fortescue's report, *ibid.* p. 65.)

At the Duke of Portland's at Clipstone Park, near Mansfield, about 400 acres have been irrigated for several years by the waters of the little river Maun, and a portion of sewage fluid. The annual rent of such of the meadows as are let is 4*l.* 10*s.* per acre.

A system has gradually been introduced on several English and Scotch farms of raising the drainage from houses and farm-yards, along with copious admixtures with water, on to the land, by means of the steam engine. Several successful instances of this kind are detailed in the report of the Board of Health to which I have just referred, such as at Myr Hill farm, in Ayrshire, where the liquid manure is successfully distributed by means of iron pipes, over about 400 acres of land.

The same plan is followed at Canning Park, near Ayr, on about 40 acres of land.

At Mr. Robert Harvey's dairy farm, near Glasgow, the drainage from about 700 cows is raised by means of a steam engine to a considerable height, and spread by means of iron pipes over about 400 acres of land with the best effects.

PUBLIC
HEALTH ACT,
1848.

sewers, and
building over
sewers and
under streets.

of the local board of health,—nor to cause any building to be newly erected over any such last-mentioned sewer,—nor to cause any vault, arch, or cellar to be newly built or constructed under the carriageway of any street, without the written consent of the said local board first had and obtained ;

And whosoever offends against this enactment shall forfeit to the said local board the sum of five pounds,—and a further penalty of forty shillings for every day during which the offence is continued after notice in writing from them in this behalf ;

And if any sewer, drain, building, vault, arch, or cellar be made, erected, or constructed contrary to this enactment, the said local board may cause the same to be altered, pulled down, or otherwise dealt with as they may think fit, and the expenses incurred by them in so doing shall be repaid to them by the offender, and be recoverable from him in the summary manner herein-after provided.

48.

Use of sewers
by persons
beyond dis-
trict.

XLVIII. And be it enacted, that any owner or occupier of premises adjoining or near to but

At Mr. Robert Neilson's farm at Halewood, near Liverpool, about 120 acres of land are fertilized in a similar manner.

At Mr. Harold Littledale's farm at Liscard, near Liverpool, about 150 acres; at Mr. James Wheble's, at Bulmarshe farm, near Reading, about 200 acres are also fertilized by having liquid manure distributed by means of steam engines and iron pipes. (*Ibid.*, p. 124.) See Appendix, No. VII.

beyond the limits of any district—may cause^{11 & 12 Vict. c. 63.} any sewer or drain of or from such premises to communicate with any sewer of the local board of health—upon such terms and conditions as shall be agreed upon between such owner and occupier and such local board,—or, in case of dispute, as shall be settled by arbitration in the manner provided by this Act(r).

49.

XLIX. And be it enacted, that it shall not be lawful newly to erect any house,—or to rebuild any house which may have been pulled down to or below the floor commonly called the ground floor,—or to occupy any house so newly erected or rebuilt,—unless and until a covered drain or drains be constructed, of such size and materials, and at such level, and with such fall as upon the report of the surveyor shall appear to be necessary and sufficient for the proper and effectual drainage of the same and its appurtenances;

No new house
to be built
without
drains, &c.

And if the sea, or a sewer of the local board of health, or a sewer which they are entitled to use, be within one hundred feet of any part of the site of the house to be built or rebuilt, the drain or drains so to be constructed shall lead from and communicate with such one of those means of drainage as the said local board shall direct,

Or if no such means of drainage be within

PUBLIC
HEALTH ACT,
1848.

that distance, then the last-mentioned drain or drains shall communicate with and be emptied into such covered cesspool or other place, not being under any house, and not being within such distance from any house as the said local board shall direct ;

And whosoever erects or rebuilds any house or constructs any drain contrary to this enactment shall be liable for every such offence to a penalty not exceeding fifty pounds, which may be recovered by any person, with full costs of suit, by action of debt ;

Local board may, upon report of surveyor that any house is without a drain, cause one to be constructed, &c.

And if at any time, upon the report of the surveyor, it appear to the said local board that any house, whether built before or after the time when this Act is applied to the district in which it is situate, is without any drain, or without such a drain or drains communicating with the sea or a sewer as is or are sufficient for the proper and effectual drainage of the same and its appurtenances, and if the sea, or a sewer of the said local board, or a sewer which they are entitled to use, be within one hundred feet of any part of such house,——

They shall cause notice in writing to be given to the owner or occupier (s) of such

(s) *Owner or Occupier.*—The duty of repairing and cleansing sewers and drains is *prima facie* the duty of the occupier (*Russell v. Shenton*, 3 Q. B. 449). For, as Lord Mansfield remarked (*Taylor v. Whitehead*, 2 Douglas, 749), “ By common law he who has the use of a thing ought to

house, requiring him forthwith, or within such reasonable time as shall be specified therein, to construct and lay down, in connexion with such house and one of those means of drainage, one or more covered drain or drains, of such materials and size, at such level, and within such fall as upon the last-mentioned report shall appear to be necessary;

11 & 12 Vict.
c. 63.

And if such notice be not complied with the said local board may, if they shall think fit, do the works mentioned or referred to therein, and the expenses incurred by them in so doing shall be recoverable by them from the owner in a summary manner, or, by order of the said local board, shall be declared to be private improvement expenses, and be recoverable as such in manner herein-after provided.

50.

L. And be it enacted, that if it shall appear to a majority of not less than three-fifths of the rated inhabitants of any parish or place containing less than two thousand inhabitants on the then last census, in which this Act shall not have been applied by order in council or provisional order as aforesaid, assembled at a public meeting to be called as is herein-after provided, that it would contribute to the health and convenience of the inhabitants that any pond, pool, open ditch, sewer, drain, or place,

As to construction of sewers, wells, pumps, &c. for parishes, &c. with less than 2,000 inhabitants, and in which this Act is not otherwise applied.

repair it." (See also *Brent v. Haddon*, Cro. Jac. 555; *Chestham v. Hampson*, 4 Term R. 318; *Boyle v. Samlyn*, 6 B. & C. 329.)

**PUBLIC
HEALTH ACT,
1848.**

containing or used for the collection of any drainage, filth, water, matter or thing of an offensive nature, or likely to be prejudicial to health, should be drained, cleansed, covered, or filled up, or that a sewer should be made or improved, a well dug, or a pump provided, for the public use of the inhabitants, the churchwardens and overseers of such parish or place shall procure a plan and an estimate of the cost of executing such works, or any of them, and shall lay the same before another public meeting of such rated inhabitants, to be called as is herein-after provided; and if the same shall be approved and sanctioned by a majority of the rated inhabitants, assembled at such last-mentioned meeting, such churchwardens and overseers shall cause the works in respect of which such estimate shall have been made and sanctioned as aforesaid to be executed, and shall pay the cost thereof out of the poor rates of such parish or place: Provided always, that notice of every such meeting shall be given by such churchwardens and overseers as is by this Act directed to be given by superintending inspectors, before proceeding upon inquiries previous to the application of this Act, and every such notice shall also contain a statement of the works proposed or intended to be submitted for consideration and approval.

51.

Penalty on
persons erect-
ing houses

LI. And be it enacted, that it shall not be lawful newly to erect any house, or to re-

build any house pulled down to or below the floor commonly called the ground floor,—without a sufficient watercloset or privy and an ashpit, furnished with proper doors and coverings ;

11 & 12 Vict.
c. 63.

without
waterclosets,
&c.

And whosoever offends against this enactment shall be liable to a penalty not exceeding twenty pounds ;

And if at any time, upon the report of the surveyor, it appear to the local board of health that any house, whether built before or after the time when this Act is applied to the district in which it is situate, is without a sufficient watercloset or privy, and an ashpit, furnished with proper doors and coverings,—the said local board shall give notice in writing to the owner or occupier of such house, requiring him forthwith, or within such reasonable time as shall be specified therein, to provide a sufficient watercloset or privy and an ashpit, so furnished as aforesaid, or either of them, as the case may require (*t*);

Local board
may, upon
report of sur-
veyor, order
waterclosets,
&c. to be
erected in
houses,
whether built
before or after
this Act is
applied, &c.

(*t*) *Waterclosets*.—An important question here arises as to the power of a local board to enforce the conversion of privies into waterclosets of existing houses—an object of the first importance in a sanitary point of view. A privy naturally involves a tank or other noxious receptacle for the soil, which must in no case be allowed. Now the board under section 58, may compel the filling up of these receptacles, and then, if any offensive matter accumulates, compel the owner or occupier to remove or drain it off. The drain must be kept clear and inoffensive to the public; water is the best, if not the only proper agent for this purpose.

As to newly-erected houses, the local board have additional powers. By s. 53, no house can be built, or privy or

PUBLIC
HEALTH ACT,
1848.

— and if such notice be not complied with, the said local board may, if they shall think fit, cause to be constructed a sufficient watercloset or privy,

cesspool constructed, without the previous consent of the local board; by section 86, they can in most cases enforce a proper supply of water to the house, and thus render the conversion of the privies into waterclosets neither an expensive nor difficult operation.

And, as it was well remarked by the General Board in a case (Jan. 18, 1851), as every new house is to have a sufficient watercloset or privy (s. 51), it must be for the board through their surveyor to decide as to such sufficiency. It may be that the surveyor has no power to insist on a watercloset being provided, but it is quite open to him to insist on every privy having a supply of water sufficient to keep it in such a state as, in the words of the Act, not to be a nuisance, or injurious to health.

The 54th section, it is true, imposes on local boards a compulsory duty to see and provide that waterclosets, privies, cesspools, and ashpits, within their district, are constructed and kept so as not to be a nuisance or injurious to health. But from this it does not follow that the local board may not be at liberty to refuse their sanction to any new cesspools whatever being constructed in their district. The Act contemplates an existing state of things, under which there may be no provision in many parts of a district for carrying off sewage matters except to cesspools. It may happen that houses may be rebuilt in a district before house drains and sewers have been provided to replace the cesspool. In such cases the cesspool must be reconstructed with the house, and s. 53 no doubt contemplates such a rebuilding and contingency. (At Croydon notice is always given to the builder of a new house, that if, in the absence of a sewer, he constructs a cesspool, he must fill it up and communicate all his drains with a sewer as soon as one is made within 100 feet of his premises.)

This accounts for provision being made in the sections above referred to for the regulation of cesspools, the use of which is so repugnant to the spirit and objects of the Act,

and an ashpit, or either of them, or do such other works as the case may require; and the expenses incurred by them in so doing shall be recoverable by them from the owner in a summary manner, or, by order of the said local board, shall be declared to be private improvement expenses, and be recoverable as such in manner herein-after provided:

Provided always, that where a watercloset or privy has been and is used in common by the inmates of two or more houses, or if, in the opinion of the said local board, a watercloset or privy may be so used, they need not require the same to be provided for each house.

52.

LII. And be it enacted, that if at any time it appear to the local board of health, upon the report of the surveyor, that any house is used or intended to be used as a factory or building in which persons of both sexes, and above twenty in number, are employed or intended to be employed at one time in any manufacture, trade, or business, the said local board may, if they shall think fit, by notice in writing to the owner or occupier of such house,——require them or either of them, within a time to be specified in such notice, to construct a sufficient

Certain
waterclosets
to be con-
structed in
factories, &c.

that were it not for the reasons stated it might appear unaccountable that any mention of the repairs of these noxious receptacles for decomposing matters should be made in an Act, one great result of the effectual carrying out of which must be the doing away with cesspools altogether.

PUBLIC
HEALTH ACT,
1848.

number of waterclosets or privies for the separate use of each sex ;

And whosoever neglects or refuses to comply with any such notice shall be liable for each default to a penalty not exceeding twenty pounds, and a further penalty not exceeding forty shillings for every day during which the default is continued.

53. !

Notice of
building and
rebuilding,
with respect
to levels of
houses, situ-
ation of
privies, &c.

LIII. And be it enacted, that, fourteen days at the least (*u*) before beginning to dig or lay out the foundations of or for any new house, —or to rebuild any house pulled down to the extent aforesaid,—the person intending so to build or rebuild shall give to the local board of health written notice thereof,—together with the level or intended level of the cellars or lowest floor,—and the situation and construction of the privies and cesspools to be built, constructed, or used in connexion with such house ;

And it shall not be lawful to begin to build or rebuild any such house, or to build or construct any such privy or cesspool, until the particulars so required to be stated have been approved by the said local board ;

And in default of such notice, or if any such house, privy, or cesspool be built, rebuilt, or

(*u*) The fourteen days must be *exclusive* of the day of serving the notice, and of the day when the digging is commenced. (*Norton's case*, 4 C. B. 32; *the Queen v. Salop*, 3 N. & P. 286.)

constructed as aforesaid without such approval,^{11 & 12 Vict. c. 63.} or in any respect contrary to the provisions of this Act, the offenders shall be liable to a penalty not exceeding fifty pounds;

And the said local board may, if they shall think fit, cause such house, privy, or cesspool to be altered, pulled down, or otherwise dealt with as the case may require,—and the expenses incurred by them in so doing shall be repaid by the offender, and be recoverable from him in the summary manner herein-after provided:

Provided always, that if the said local board fail to signify their approval or disapproval of the said particulars for the space of fourteen days after receiving such notice it shall be lawful to proceed according to such notice if the same be otherwise in accordance with the provisions of this Act.

54.

LIV. And be it enacted, that the local board of health shall see and provide that all drains whatsoever, and the waterclosets, privies, cesspools, and ashpits within their district, are constructed and kept so as not to be a nuisance or injurious to health;

Local board to provide that drains, waterclosets, &c. do not become a nuisance.

And the surveyor may, by written authority of the said local board (who are hereby empowered to grant such authority, upon the written application of any person showing that the drain, watercloset, privy, cesspool, or ashpit, in respect of which application is made, is a

PUBLIC
HEALTH ACT,
1848.

nuisance or injurious to health, but not otherwise),—and after twenty-four hours' notice in writing,—or in case of emergency without notice,—to the occupier of the premises to which such drain, watercloset, privy, cesspool, or ashpit is attached or belongs,—enter such premises, with or without assistants, and cause the ground to be opened, and examine and lay open such drain, watercloset, privy, cesspool, or ashpit ;

And if the drain, watercloset, privy, cesspool or ashpit in respect of which such examination is made be found to be in proper order and condition, he shall cause the ground to be closed, and any damage done to be made good as soon as can be, and the expenses of the works shall be defrayed by the said local board ;

But if upon such examination such drain, watercloset, privy, cesspool, or ashpit appear to be in bad order and condition, or to require alteration or amendment, he shall cause the ground to be closed,—and the said local board shall cause notice in writing to be given to the owner or occupier of the premises upon or in respect of which the examination was made, requiring him forthwith, or within such reasonable time as shall be specified in such notice, to do the necessary works ;

And if such notice be not complied with, the person to whom it is given shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default,

and the said local board may, if they shall think fit, execute such works, and the expenses incurred by them in so doing shall be recoverable by them from the owner in a summary manner, or, by order of the said local board, shall be declared to be private improvement expenses, and be recoverable as such in the manner herein-after provided.

11 & 12 VICT.
c. 63.

55.

LV. And be it enacted, that the local board of health shall from time to time and at all convenient times provide that all streets within their district, including the foot pavements thereof, are properly swept, cleansed and watered, and that all dust, ashes, rubbish, filth, dung, and soil thereon are collected and removed;

Cleansing of
streets, re-
moval of
dust, &c.

And they may make bye-laws with respect to the removal by the occupier, or (in case of his default) by the said local board, of dust, ashes, rubbish, filth, manure, dung, and soil collected, placed, or found in or about any house, stable, cowhouse, street, or place whatsoever, and for preventing the deposit thereof in or by the side of any street, or so as to be a nuisance to any person, and with respect to the times and manner of cleansing and emptying waterclosets, privies, and cesspools.

56.

LVI. And be it enacted, that the local board of health may, in their discretion, provide, in proper and convenient situations, boxes or other

Local board
to cause
places for
deposit of

PUBLIC
HEALTH ACT,
1848.

dust, soil, &c.
to be pro-
vided.

conveniences for the temporary deposit and collection of dust, ashes, and rubbish,—and also fit buildings and places for the deposit of the sewage, soil, dung, filth, ashes, dust, and rubbish collected by such board ;—and all sewage, soil, dung, filth, ashes, dust, and rubbish so collected by the said local board, or in any convenience provided as aforesaid, shall be vested in and be sold and disposed of by such board, and the proceeds thereof shall be carried to the district fund account herein-after mentioned ;

And whosoever, without the consent of the said local board, collects or removes any sewage, soil, dung, filth, ashes, dust, or rubbish belonging to them, shall for every such offence be liable to a penalty not exceeding forty shillings.

57.

Public
necessaries.

LVII. And be it enacted, that the local board of health may, if they think fit, provide and maintain, in proper and convenient situations, waterclosets, privies, and other similar conveniences, for public accommodation, and defray the necessary expenses out of the district rates to be levied under this Act (*x*).

58.

Offensive
ditches,

LVIII. And be it enacted, that the local

(*x*) The expenses of permanent works are to be charged upon the special district rate—of temporary works, upon the general district rates, ss. 86, 87.

board of health shall drain, cleanse, cover, or fill up, or cause to be drained, cleansed, covered, or filled up,

11 & 12 VICT.
c. 63.

drains, &c. to
be cleansed
or covered.

All ponds, pools, open ditches, sewers, drains, and places containing or used for the collection of any drainage, filth, water, matter, or thing of an offensive nature, or likely to be prejudicial to health ;

And they shall cause written notice to be given to the person causing any such nuisance, or to the owner or occupier of any premises whereon the same exists, requiring him, within a time to be specified in such notice,—to drain, cleanse, cover, or fill up any such pond, pool, ditch, sewer, drain, or place, or to construct a proper sewer or drain for the discharge thereof, as the case may require ;

And if the person to whom such notice is given fail to comply therewith, the said local board shall execute the works mentioned or referred to therein,—and the expenses incurred by them in so doing shall be recoverable by them from him in a summary manner, or, by order of the said local board, shall be declared to be private improvement expenses, and be recoverable as such in the manner herein-after provided :

Provided always, that the said local board may order that the whole or a portion of the expenses incurred in respect of any such last-mentioned works be defrayed out of the special or general district rates to be levied under this

PUBLIC
HEALTH ACT,
1848.

Act, and in case of any such order the whole or such portion of the expenses as may be mentioned therein shall be defrayed and levied accordingly.

59.

Penalties for
keeping
swine, &c. in
improper
situations,
allowing
waste water
to remain in
cellars, &c.

LIX. And be it enacted, that whosoever keeps any swine or pigstye in any dwelling house,——or so as to be a nuisance to any person,——or suffers any waste or stagnant water to remain in any cellar or place within any dwelling house for twenty-four hours after written notice to him from the local board of health to remove the same,——and whosoever allows the contents of any watercloset, privy, or cess-pool to overflow or soak therefrom,——shall for every such offence be liable to a penalty not exceeding forty shillings, and to a further penalty of five shillings for every day during which the offence is continued ;

And the said local board shall abate or cause to be abated every such nuisance, and the expenses incurred by them in so doing shall be repaid to them by the occupier of the premises upon which the same exists, and be recoverable from him in the summary manner herein-after provided ;

Removal of
filth, on certi-
ficate of in-
spector of
nuisances.

And if at any time it appear to the inspector of nuisances, that any accumulation of manure, dung, soil, or filth, or other offensive or noxious matter whatsoever, ought to be removed, he shall give notice to the person to whom the same belongs, or to the occupier of

the premises whereon it exists, to remove the same ; ^{11 & 12 Vict. c. 63.}

And if at the expiration of twenty-four hours after such notice the same be not complied with, the manure, dung, soil, or filth, or matter referred to, shall be vested in and be sold or disposed of by the said local board, and the proceeds thereof shall be carried to the district fund account herein-after mentioned.

60.

LX. And be it enacted, that if upon the certificate of the officer of health (if any), or of any two medical practitioners,——it appear to the local board of health that any house or part thereof is in such a filthy or unwholesome condition that the health of any person is affected or endangered thereby,——or that the white-washing, cleansing, or purifying of any house or part thereof would tend to prevent or check infectious or contagious disease,

Houses to be purified, on certificate of officer of health, or of two medical practitioners.

The said local board shall give notice in writing to the owner or occupier of such house or part thereof to whitewash, cleanse, or purify the same, as the case may require ;——and if the person to whom notice is so given fail to comply therewith within such time as shall be specified in the said notice, he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default ;——and the said local board may, if they shall think fit, cause such house, building, or part thereof to be whitewashed, cleansed, or

PUBLIC
HEALTH ACT,
1848.

purified, and the expenses incurred by them in so doing shall be repaid by the owner or occupier in default, and be recoverable from either of them in the summary manner herein-after provided.

61.

Slaughter-houses to be registered.

LXI. And be it enacted, that every building or place used as a slaughter-house shall, within three months after this Act is applied to the district in which it is situate, or, in the case of a building or place newly used as a slaughter-house after that time, within three months after the commencement of such user, be registered by the owner or occupier thereof at the office of the said local board, in a book which shall be kept by such board for that purpose ;

And whosoever uses or suffers to be used any building or place as a slaughter-house without its being registered as required by this Act shall be liable for every such offence to a penalty not exceeding five pounds, and a further penalty not exceeding ten shillings for every day during the continuance of the offence after written notice thereof from the said local board.

62.

Local board may provide slaughter-houses, and make bye-laws with respect to slaughter-houses in general.

LXII. And be it enacted, that the local board of health may from time to time, if they shall think fit, provide premises for the purpose of being used as slaughter-houses ;—and they shall make bye-laws for and with respect to the management and charges for the use of the premises so provided, and with respect to the

inspection of all slaughter-houses, and for keeping the same in a cleanly and proper state: 11 & 12 Vict.
c. 63.

Provided always, that nothing herein contained shall prejudice or affect the rights, privileges, powers, or authorities of any persons incorporated by any local Act of parliament passed before the passing of this Act for the purpose of making and maintaining slaughter-houses for the accommodation of any city, town, borough, or place.

63.

LXIII. And be it enacted, that the inspector of nuisances may, and he is hereby empowered, at all reasonable times, with or without assistants, to enter into and inspect any shop, building, stall, or place kept or used for the sale of butcher's meat, poultry, or fish, or as a slaughter-house(y), and to examine any animal, carcase, meat, poultry, game, flesh, or fish which may be therein ;

Power to
inspector of
nuisances to
enter places
used for sale
of butcher's
meat, &c.

And in case any animal, carcase, meat, poultry, game, flesh, or fish appear to him to be intended for the food of man, and to be unfit for such food, the same may be seized ;

And if it appear to a justice, upon the evi-

(y) In a case submitted to it (June 13, 1851), the General Board were of opinion that, under this section, the inspector of nuisances would be justified in entering into a cow-house where a diseased cow had been slaughtered (as being a place used for a slaughter-house), and of seizing the diseased meat, if it appeared to him to be intended for the food of man, and to be unfit for such food.

PUBLIC
HEALTH ACT,
1848.

dence of a competent person, that any such animal, carcase, meat, poultry, game, flesh, or fish is unfit for the food of man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such food ;

And the person to whom such animal, carcase, meat, poultry, game, flesh, or fish belongs, or in whose custody the same is found, shall be liable to a penalty not exceeding ten pounds for every animal or carcase, fish, or piece of meat, flesh, or fish, or any poultry or game so found, which penalty may be recovered before two justices in the manner herein-after provided with respect to penalties the recovery whereof is not expressly provided for.

64.

Offensive
trades newly

LXIV. And be it enacted (z), that the busi-

(z) Although under this section, a local board has only a restraining power over noxious or offensive businesses, trades, and manufactures established after this Act is applied to a district, yet under section 59 many wholesome interferences may be supported in such old-established works. And to this opinion the General Board of Health seemed to incline in a case (June 15, 1851). In a case stated (Jan. 10, 1851), they were of opinion that brick burning in the immediate vicinity of houses is an offensive manufacture within this section. The principles on which a nuisance case is to be decided, were thus laid down by Vice-Chancellor Knight Bruce, April 25, 1851, in *Walter v. Selfe*, 20 L. J. R., 433: (This was a brick burning case. The defendant's clamps at Surbiton in Surrey being within forty-eight yards of the plaintiff's house:) "Ought this inconvenience to be considered, in fact, as more than fanciful, or as one of mere delicacy or fastidiousness,

ness of a blood-boiler, bone-boiler, fellmonger, slaughterer of cattle, horses, or animals of any description, soap-boiler, tallow-melter, tripe-boiler, or other noxious or offensive

11 & 11 Vict.
c. 63.

established to
be subject to
regulation of
local board of
health.

or as an inconvenience materially interfering with the ordinary comfort physically of human existence, not merely according to elegant or dainty modes and habits of living, but according to plain, sober, and simple notions amongst English people. I am of opinion that this point is against the defendant. As far as the human frame, in an average state of health at least, is concerned, mere insalubrity, mere unwholesomeness may be out of the case; but the same may perhaps be said of melted tallow, and other such inventions less sweet than wholesome. This does not decide the dispute. Smell may be sickening though not in a medical sense. Ingredients may be, I believe, mixed with air of such a nature as to affect the palate disagreeably and offensively, although not unwholesomely; and a man's body may be in a state of chronic discomfort, still retaining its health, and perhaps still suffer more annoyance from impure or fetid air from being in a hale condition. Nor do I consider it essential to show that vegetable life, or that health either universally or in particular instances, is noxiously affected by contact with vapour, and floating substances proceeding from burning bricks; for the plaintiff has, I think, established, that the defendant's intended proceeding will, if prosecuted, abridge and diminish seriously and materially the ordinary comfort and existence to the occupier and inmates of the plaintiff's house, whatever their rank or station, or whatever their state of health may be." It had been suggested that a clamp and kiln already existed in the neighbourhood: the Vice-Chancellor continued, "They are considerably more remote from the house than the defendant's clamp, and, if a nuisance, do not form a reason why the defendant should set up an additional nuisance." In this case were cited for the plaintiff, *Aldred's case*, 9 Rep. 58; *The King v. White*, 1 Burr. 333; *Attorney General v. Cleaver*, 18

PUBLIC
HEALTH ACT,
1848.

business, trade, or manufacture,—shall not be newly established in any building or place, after this Act is applied to the district in which such building or place is situate, without the consent of the local board of health, unless the said general board shall otherwise direct ;

And whosoever offends against this enactment shall be liable for each offence to a penalty of fifty pounds, and a further penalty of forty shillings for each day during which the offence is continued ;

And the said local board may from time to time make such bye-laws with respect to any such businesses so newly established as they may think necessary and proper, in order to prevent or diminish the noxious or injurious effects thereof.

65.

Act not to
affect present
law as to
nuisances.

LXV. And be it declared and enacted, that nothing in this Act shall be construed to render lawful any Act, matter, or thing whatsoever which but for this Act would be deemed to be a nuisance, nor to exempt any person from any liability, prosecution, or punishment to which he would have been otherwise subject in respect thereof.

66.

Common
lodging houses

LXVI. And be it enacted, that it shall not

Vesey, 211; *Haines v. Tailor*, 10 Beav. 75; *The King v. Neile*, 2 Car. & P. 485; and for the defendant, *The King v. Davy*, 5 Esp. 217.

be lawful to keep any lodging house (a) unless the same be registered as next herein-after mentioned ;

11 & 12 VICT.
c. 63.
to be regis-
tered.

And the local board of health shall cause a register to be kept, in which shall be entered the name of every person applying to register any common lodging house kept by him, and the situation of every such house ;

And the said local board shall from time to time make bye-laws, for fixing the number of lodgers who may be received into each house so registered, for promoting cleanliness and ventilation therein, and with respect to the inspection thereof, and the conditions and restrictions under which such inspection may be made ;—and the person keeping any such lodging house shall give access to the same when required by any persons who shall pro-

(a) This section gives no power to the board to refuse registration to proposed lodging houses, however inadequately these may be arranged—this is a defect in the Act which ought to be supplied in future enactments. The local board, however, may fix by bye-laws the number of persons to be received into each registered house, and the General Board were of opinion (in a case, June 4, 1850), that this appears to include a power to fix that no persons shall be received into any registered house that seems to them absolutely and entirely unfit for a common lodging house. But for any violation of these bye-laws no special penalty is fixed by this section, and the board must have recourse to the other sections of the Act, which contain provisions as to nuisances in dwellings so kept, as secs. 58, 59, 60. But under sec. 115, the local board may, in their bye-laws, impose penalties upon offenders against these bye-laws.

PUBLIC
HEALTH ACT,
1848.

duce the written authority of the said local board in this behalf, for the purpose of inspecting the same, or for introducing or using therein any disinfecting process,

And the expenses incurred by the said local board in so introducing or using any disinfecting process shall be recoverable by them in a summary manner from the person keeping the lodging house in which the same shall have been used or introduced ;

Penalty on
neglect.

And whosoever shall receive lodgers in any common lodging house without having registered the same as required by this Act, or shall refuse to admit therein, at any time between the hour of eleven in the forenoon and the hour of four in the afternoon, any person authorised by the said local board as last aforesaid, shall for every such offence be liable to a penalty not exceeding forty shillings.

67.

Cellars, &c.
newly built
not to be let
as dwelling
rooms.

LXVII. And be it enacted, that it shall not be lawful to let or occupy or suffer to be occupied separately as a dwelling any vault, cellar, or underground room built or rebuilt after the passing of this Act, or which shall not have been so let or occupied before the passing of this Act ;

No cellars,
&c. to be let
except under
certain con-
ditions.

And it shall not be lawful to let or continue to let, or to occupy or suffer to be occupied, separately as a dwelling, any vault, cellar, or underground room whatsoever, unless the same be in every part thereof at least seven feet in

height, measured from the floor to the ceiling thereof,——nor unless the same be at least three feet of its height above the surface of the street or ground adjoining or nearest to the same,——nor unless there be outside of and adjoining the same vault, cellar, or room, and extending along the entire frontage thereof, and upwards from six inches below the level of the floor thereof up to the surface of the said street or ground, an open area of at least two feet and six inches wide in every part,——nor unless the same be well and effectually drained by means of a drain the uppermost part of which is one foot at least below the level of the floor of such vault, cellar, or room,——nor unless there be appurtenant to such vault, cellar, or room the use of a watercloset or privy and an ashpit, furnished with proper doors and coverings, kept and provided according to the provisions of this Act,——nor unless the same have a fire-place with a proper chimney or flue,——nor unless the same have an external window of at least nine superficial feet in area clear of the sash frame, and made to open in such manner as shall be approved by the surveyor, except in the case of an inner or back vault, cellar, or room let or occupied along with a front vault, cellar, or room as part of the same letting or occupation, in which case the external window may be of any dimensions, not being less than four superficial feet in area clear of the sash frame ;

^{11 & 12 Vict.}
^{c. 63.}
—

PUBLIC
HEALTH ACT,
1848.

And whosoever lets, occupies, or continues to let, or knowingly suffers to be occupied, for hire or rent, any vault, cellar, or underground room, contrary to this Act, shall be liable for every such offence to a penalty not exceeding twenty shillings for every day during which the same continues to be so let or occupied after notice in writing from the local board of health in this behalf:

Provided always, that in any area adjoining a vault, cellar, or underground room there may be steps necessary for access to such vault, cellar, or room, if the same be so placed as not to be over, across, or opposite to the said external window, and so as to allow between every part of such steps and the external wall of such vault, cellar, or room a clear space of six inches at the least, and that over or across any such area there may be steps necessary for access to any building above the vault, cellar, or room to which such area adjoins, if the same be so placed as not to be over, across, or opposite to any such external window:

Provided also, that every vault, cellar, or underground room in which any person passes the night shall be deemed to be occupied as a dwelling within the meaning of this Act:

Provided also, that the provisions of this Act with respect to the letting and occupation of vaults, cellars, and underground rooms shall not, so far as the same relate to vaults, cellars, and underground rooms which shall have been

Act not to
come into
operation
until the
expiration of
a certain
time, in case
of cellars, &c.
already occu-

let or occupied as dwellings before the passing of this Act, come into force or operation until the expiration of one year from the passing of this Act, nor within any district until the expiration of six months from the time when this Act shall have been applied thereto;—and all churchwardens and overseers of the poor shall from time to time after the passing of this Act cause public notice of the provisions of this Act with respect to the letting and occupation of vaults, cellars, and underground rooms to be given in such manner as may appear to them to be best calculated to make the same generally known.

11 & 12 Vict.
c. 63.

—
pled as
dwellings.

Churchwar-
dens, &c. to
give notice of
enactment.

68.

LXVIII. And be it enacted, that all present and future streets, being or which at any time become highways within any district, and the pavements, stones, and other materials thereof, and all buildings, implements, and other things provided for the purposes thereof, by any surveyor of highways, or by any person serving the office of surveyor of highways, shall vest in and be under the management and control of the said local board of health;

Management
of streets, &c.
vested in
local board.

And the said local board shall from time to time cause all such streets to be levelled, paved, flagged, channelled, altered, and repaired, as and when occasion may require, and they may from time to time cause the soil of any such street to be raised, lowered, or altered as they may think fit,—and place

**PUBLIC
HEALTH ACT,
1848.**

and keep in repair fences and posts for the safety of foot passengers ;

And whosoever wilfully displaces, takes up, or injures the pavement, stones, materials, fences, or posts of any such street, without the consent of the said local board, shall be liable for every such offence to a penalty not exceeding five pounds, and a further sum not exceeding five shillings for every square foot of the pavement, stones, or other materials so displaced, taken up, or injured.

69.

Power to
compel
paving, &c.
of private
streets.

LXIX. And be it enacted, that in case any present or future street, or any part thereof, (not being a highway,) be not sewered, levelled, paved, flagged, and channelled to the satisfaction of the local board of health,—such board may, by notice in writing to the respective owners or occupiers of the premises fronting, adjoining, or abutting upon such parts thereof as may require to be sewered, levelled, paved, flagged, or channelled, require them to sewer, level, pave, flag, or channel the same, within a time to be specified in such notice (b) ;

And if such notice be not complied with, the said local board may, if they shall think fit, execute the works mentioned or referred to

(b) Under this clause there is no power authorising a local board to order a street to be widened which was a street previous to the Act being applied to the district.—Under s. 73, they may by agreement purchase land for the purpose of widening a street.

therein ;——and the expenses incurred by them in so doing shall be paid by the owners in default, according to the frontage of their respective premises, and in such proportion as shall be settled by the surveyor, or in case of dispute as shall be settled by arbitration (having regard to all the circumstances of the case) in the manner provided by this Act ;——and such expenses may be recovered from the last-mentioned owners in a summary manner, or the same may be declared by order of the said local board to be private improvement expenses, and be recoverable as such in the manner hereinafter provided.

11 & 12 Vict.
c. 63.

70.

LXX. And be it enacted, that if any present or future street (c), not being a highway at the time when this Act is applied to the district in

Certain
streets not
highways to

(c) The General Board were of opinion (March 18, 1851), that this section refers to streets, notwithstanding the interpretation clause, and they refer to the rule laid down by Lord Denman in *Reg. v. Justices of Cambridgeshire*, 7 A. & E. 480, as the safest to act upon in considering interpretation clauses ; see also *Edney v. Benbow*, 7 Q. B. 979 ; *Owen v. De Beavoir*, 16 M. & W. 566 ; *Ryall v. Regina*, 11 Q. B. 781. And they thought therefore that the exercise (by a local board, as surveyors of roads) of the powers of the 5 & 6 W. IV. c. 50, s. 23, would not be inconsistent with this 70th section—sed quere, are not under the 68th section all *streets* clearly intended to include roads ? and must not a street be “ repaired ” in a way which accords with the materials of which it is constructed ? The General Board were of opinion (in a case submitted to them, January 21, 1851), that in the case of a street which has long since been

PUBLIC
HEALTH ACT,
1848.

be deemed
such, and
repaired by
local board.

which it is situate, be sewered, levelled, paved, flagged, and channelled to the satisfaction of the local board of health,—the said local board may, if they shall think fit, by notice in writing put up in any part of the street, declare the same to be a highway, and thereupon the same shall become a highway, and be from time to time repaired by them out of the rates levied in that behalf under the authority of this Act;

And every such notice shall be entered amongst the proceedings of the said local board:

Provided always, that no street shall become a highway as last aforesaid if within one month after notice in writing shall have been put up as last aforesaid the proprietor (*d*) of such street, or the person representing or entitled to represent such proprietor, shall by notice in writing to the said local board object thereto.

71.

Power to
require gas
and water
pipes to be
moved.

LXXI. And be it enacted, that if and when for the purposes of this Act the local board of health deem it necessary to raise, sink, or otherwise alter the situation of any water or gas pipes, mains, plugs, or other waterworks or

made, and has by public use become out of repair, that a local board may proceed at once under the 70th section, without any previous notice under the 69th section.

(*d*) That is, the owner in fee of the street. (*Wood v. Veal*, 5 B. & Ald. 454.)

gasworks laid in or under any street, they may <sup>11 & 12 VICT.
c. 68.</sup> by notice in writing require the person to whom the pipes, mains, plugs, or works belong to raise, sink, or otherwise alter the situation of the same in such manner, and within such reasonable time, as shall be specified in such notice,

And the expenses attendant upon or connected with any such alteration shall be paid by the said local board out of the general district rates levied under this Act;—and if such notice be not complied with the said local board may make the alteration required:

Provided always, that no such alteration shall be required or made which will permanently injure any such pipes, mains, plugs, or works, or prevent the water or gas from flowing as freely and conveniently as usual;

Provided also, that where under any local Act of parliament the expenses attendant upon or connected with the raising, sinking, or otherwise altering the situation of any water or gas pipes, mains, plugs, or other waterworks or gasworks, are or shall be directed to be borne by the person to whom such pipes or works belong, his liability in that respect shall continue, in the same manner and under the same conditions in all respects as if this Act had not been passed.

72.

LXXII. And be it enacted, that one month at the least before any street is newly laid out Notice to be given to local board before laying out

PUBLIC
HEALTH ACT,
1848.

new streets,
who shall fix
the levels and
widths
thereof.

as aforesaid (e) written notice shall be given to the local board of health, showing the intended level and width thereof;—and the level and width of every such street shall be fixed by the said local board,——and it shall not be lawful to lay out, make, or build upon any such street otherwise than in accordance with the level and width so fixed,——unless, upon disapproval by the said local board of the level or width specified in such notice, the general board of health shall otherwise direct ;

And whosoever shall lay out, make, or build upon any such street otherwise than in accordance with the level and width fixed by the said local board, or approved by the said general

(e) The words “as aforesaid” are to be regarded as unmeaning.—They had reference in the early stages of the bill through parliament to a previous section (afterwards withdrawn), which fixed the width of streets “newly laid out after the Act was applied to the district.”

Laying out of Streets.—In a case submitted, the General Board were of opinion that if new plans were proposed of streets planned out previous to the Act being put in force, that this did not constitute a laying out of new streets under this section. In this I am rather inclined to be of an opposite opinion. They thought too, that in the case of houses about to be built back to back, the local board had no power to fix the width of spaces between houses when that space is not itself a street. This is perhaps so, but the board may disapprove generally of the plan of the buildings submitted to them, see sec. 53, or the “street” by which it is to be approached (see interpretation clause, p. 19). I have always found these powers ample to prevent any construction of cottages manifestly against the public health.

board, shall be liable for every such offence to a ^{11 & 12 Vict.} ^{c. 68.} penalty not exceeding twenty pounds for every day during which he shall permit or suffer such street to continue to be so improperly laid out, made, or built upon ;

And the said local board may, if they shall think fit, cause any such street laid out or made at a level or width otherwise than in accordance with the level and width so fixed or approved as aforesaid, or any building built in any such street otherwise than in accordance with such level and width, to be altered in such manner as the case may require, and the expenses incurred by them in so doing shall be repaid to them by the offender, and be recoverable from him in a summary manner :

Provided always, that if no such level or width be fixed, and no approval or disapproval of the level or width proposed be signified by the said local board within one month from the last-mentioned notice, the intended street may be laid out and made upon the level and of the width specified in such notice, if the same be otherwise in accordance with the other provisions of this Act.

73.

LXXIII. And be it enacted, that the said local board may, by agreement, purchase any premises for the purpose of widening, opening, enlarging, or otherwise improving any street, —and any part of the premises so purchased which shall not be wanted for that purpose shall

Local board
may purchase
premises in
order to im-
prove streets.

PUBLIC
HEALTH ACT,
1848.

be resold at the best price that can be gotten for the same ;—and the proceeds of such resale shall be carried to the district fund account herein-after mentioned.

74.

Local board
may provide
places of
public recrea-
tion, &c.

LXXIV. And be it enacted, that the local board of health, with the approval of the said general board, may provide, maintain, lay out, plant, and improve premises for the purpose of being used as public walks or pleasure grounds, and support or contribute towards any premises provided for such purposes by any person whomsoever.

75.

Local board
to provide
sufficient sup-
plies of water,
and may erect
waterworks,
&c.

LXXV. And be it enacted, that the local board may provide their district with such a supply of water (*f*) as may be proper and suffi-

(*f*) The General Board remarked (Sept. 17, 1851), in answer to a case submitted to them, "As a general rule the Board are of opinion that there can be no sufficient drainage without water to carry off the accumulated house sewage."

In the case of proposed public waterworks, the source from whence that supply is to be procured, is almost the first consideration which presents itself. This question divides itself into two great questions,—first, the copiousness and quality of the water,—and secondly, the public right to the use of that water. These are commonly either, 1. from gathering grounds draining into a reservoir; 2. from streams of water; 3. from wells. The selection of one of these will be dependant upon many circumstances. There is, I apprehend, a common law right possessed by all persons to take water for the domestic use of their families from any stream flowing through their land. The claim of a mill-owner or the proprietor of a water mead situated lower down the

cient for the purposes of this Act, and for private use to the extent required by this Act; 11 & 12 Vict.
c. 63.

And for those purposes, or any of them, the said local board may from time to time, with

stream, can only, I take it, extend to the river water, which the inhabitants of the banks of a stream do not require for their domestic purposes. (*Wood v. Wand*, 3 Exchequer, 187.) In that case Pollock, C. B., remarked, "No doubt if the stream were only used by the inferior proprietor and his family, by drinking it, or for the supply for domestic purposes, no action would lie for this ordinary use of it; and it may be conceived that if a field be covered with houses, the ordinary use by the inhabitants might sensibly diminish the stream, yet no action would we apprehend lie, any more than if the air were rendered less pure and healthy by the increase of the inhabitants in the neighbourhood, or by the smoke issuing from the chimneys of an increased number of houses."

Of the right of the inhabitants of any district to dig a well and supply their houses with water from it, there appears to be as little or perhaps less doubt.

Tindal, C. J., remarked, in substance (*Acton v. Blundell*, 12 M. & W. 349), "There is a marked and substantial difference between the law governing running streams, and that of springs beneath the surface. In case of streams running in their natural course, the right enjoyed is public and notorious, long-continued, uninterrupted. In case of a well, however, the water does not flow openly in right of adjoining proprietors (see *Cooper v. Barber*, 3 Taunton, 99), but through hidden veins of the earth; no man can tell what changes these underground sources have undergone in the progress of time: it may well be that it is only of yesterday's date that they first took the course and direction which enabled them to supply the well. Again, no proprietor knows what portion of water is taken from beneath his own soil, how much he gives originally, or how much he receives; on the contrary, until the well is sunk and the water collected by draining into it, there cannot properly be said with reference to the well to be any flow of water at all. There

PUBLIC
HEALTH ACT,
1848.

the approval of the general board of health, contract with any person whomsoever, or purchase, take upon lease, hire, construct, lay down, maintain such waterworks, and do and execute

can therefore be no implied agreement or concert between the owners of the several lands beneath which the underground springs may exist." "It is scarcely necessary to say," concluded C. J. Tindal, "that we intimate no opinion whatever as to what might be the rule of law, if there had been an uninterrupted use of the right for more than the last twenty years; but confining ourselves strictly to the facts stated in the bill of exceptions, we think the present case, for the reasons given, is not to be governed by the law which applies to rivers and flowing streams, but that it rather falls within that principle which gives to the owner of the soil all that lies beneath his surface; that the land immediately below is his property, whether it is solid rock or forms ground, or venous earth, or part soil, part water; that the person who owns the surface may dig therein, and apply all that is there found to his own purposes at his free will and pleasure; and that if, in the exercise of such right, he intercepts or drains off the water collected from underground springs in his neighbour's well, this inconvenience to his neighbour falls within the description of *damnum absque injuria*, which cannot become the ground of an action."

Cost of Pumping:—

1000 gallons of water raised

100 feet 0*d.* 333 or 36,036 for 1*s.*

„ 0*d.* 358 or 33,519 for 1*s.*

„ 0*d.* 150 or 80,000 for 1*s.*

T. Wicksted. (1st report of Health of Towns, Com., p. 13.)

For *Water Rates* and *Water*, see Appendix, No. II., *post*, p. 237.

The height that a $\frac{3}{4}$ -inch jet of water will rise from a 6-inch main at the Preston water works:—

At a pressure of 100 feet

in day,

57 feet=78 galls. per minute.

at night,

64 feet=90 galls. per min.

all such works, matters and things as shall be necessary and proper ;

^{11 & 12 Vict.}
^{c. 63.}

And any waterworks company may contract with the local board of health to supply water for the purposes of this Act in any manner whatsoever,—or may sell and dispose of or lease their waterworks to any local board of health willing to take the same ;

And the said local board may provide and keep in any waterworks constructed or laid down by them under the powers of this Act a supply of pure and wholesome water, and the water so supplied may be constantly laid on at such pressure as will carry the same to the top story of the highest dwelling-house within the district supplied :

In case of waterworks constructed by local board, the water may be kept constantly under pressure.

Provided always, that before constructing or laying down any waterworks under the powers of this Act within any limits within, for, or in respect of which any waterworks company shall have been established for supplying water, the said local board shall give notice in writing to every waterworks company within whose limits the said local board may be desirous of laying on or supplying water, stating the purposes for and (as far as may be practicable) the extent to which water is required by the said local board ; —and it shall not be lawful for the said local board to construct or lay down any waterworks within such limits, if and so long as any such company shall be able and willing to lay on water proper and sufficient for all reasonable

Local board not to construct waterworks, &c. if any waterworks company within their district be able and willing to supply water upon terms.

PUBLIC HEALTH ACT,
1848.

purposes for which it is required by the said local board, and upon such terms as shall be certified to be reasonable by the general board of health, after inquiry and report by a superintending inspector in this behalf,—or (in case such company shall be dissatisfied with such certificate) upon such terms as shall be settled by arbitration in the manner provided by this Act;

And in case any difference shall arise as to whether the water which any such company is able and willing to supply or lay on is proper and sufficient for the purposes for which it is required by the said local board, or whether the purposes for which it is required are reasonable, the same shall be settled by arbitration in the manner provided by this Act.

76.

Local board may require that houses be supplied with water, &c. in certain cases.

LXXVI. And be it enacted, that if upon the report of the surveyor it appear to the local board of health that any house is without a proper supply of water,—and that such a supply of water can be furnished thereto at a rate not exceeding twopence *per* week,—the said local board shall give notice in writing to the occupier, requiring him, within a time to be specified therein, to obtain such supply, and to do all such works as may be necessary for that purpose;

And if such notice be not complied with the said local board may, if they shall think fit, do such works and obtain such supply accordingly,

and make and levy water rates upon the premises, not exceeding in the whole the rate of twopence *per* week, in manner herein-after provided, as if the owner or occupier of the premises had demanded a supply of water, and were willing to pay water rates for the same ;

11 & 12 VICT
c. 63.

And the expenses incurred by them in doing such works as last aforesaid shall be private improvement expenses, and be recoverable as such in the manner herein-after provided.

77.

LXXVII. And be it enacted, that the local board of health may, if they think fit, supply water from any waterworks purchased or constructed by them under this Act to any public baths or wash-houses,——or for trading or manufacturing purposes, upon such terms and conditions as may be agreed upon between the said local board and the persons desirous of being so supplied.

Water for
public baths,
or trading or
manufactur-
ing purposes.

78.

LXXVIII. And be it enacted, that the local board of health may cause all existing public cisterns, pumps, wells, reservoirs, conduits, aqueducts, and works used for the gratuitous supply of water to the inhabitants to be continued, maintained, and plentifully supplied with water,——or they may substitute, continue, maintain, and plentifully supply with water other such works equally convenient ;——and the said local board may, if they shall think fit, construct any such number of new cisterns,

Maintenance
and construc-
tion of public
cisterns for
gratuitous
use.

PUBLIC
HEALTH ACT,
1848.

pumps, wells, conduits, and works for the gratuitous supply of any public baths or wash-houses established otherwise than for private profit or supported out of any poor or borough rates.

79.

Penalty for
injuring
waterworks,
diverting
streams, or
wasting water

LXXIX. And be it enacted, that whosoever shall wilfully or carelessly break, injure, or open any lock, cock, waste pipe, or water-works belonging to or under the management or control of the local board of health, or constructed, continued, or maintained under this Act, in any parish or place in which there shall be no local board of health,—or shall unlawfully flush, draw off, divert, or take water from any waterworks belonging to or under the management or control of the said local board,—or so constructed, continued, or maintained in any such parish or place, or from any waters or streams by which such waterworks are supplied,—or shall wilfully or negligently waste or cause to be wasted any water with which he is supplied by the said local board,

Shall for every such offence forfeit a sum not exceeding five pounds, and a further penalty of twenty shillings for each day whilst the offence is continued after written notice in that behalf, which penalties shall be paid to the said local board, or, in the case of a parish or place in which there shall be no local board of health, to the churchwardens and overseers of the poor, to be by them applied in aid of the rate

for the relief of the poor of such parish or place: <sup>11 & 12 Vicr
c. 63.</sup>

Provided always that nothing herein contained shall prevent the owner or occupier of any premises through or by which any streams may flow from using the same as they would have been entitled to do if this Act had not been passed.

80.

LXXX. And be it enacted, that whosoever shall bathe in any stream, reservoir, conduit, aqueduct, or other waterworks belonging to or under the management or control of the local board of health, or in any reservoir, conduit, aqueduct, or other waterworks constructed, continued, or maintained under this Act in any parish or place in which there shall be no local board of health,—or shall wash, cleanse, throw, or cause to enter therein any animal, rubbish, filth, stuff, or thing of any kind whatsoever, —or shall cause or permit or suffer to run or be brought therein the water of any sink, sewer, drain, engine, or boiler, or other filthy, unwholesome, or improper water,—or shall do any thing whatsoever whereby any water belonging to the said local board or under their management or control, or whereby any water of or contained in any such reservoir, conduit, aqueduct, or other waterworks so constructed, continued, or maintained in any such parish or place as aforesaid shall be fouled,

Penalties on
persons for
causing
water in
reservoirs to
be fouled;

Shall for every such offence forfeit a sum not

**PUBLIC
HEALTH ACT,
1848.**

exceeding five pounds, and a further sum of twenty shillings for each day whilst the offence is continued, after written notice in that behalf; which penalties shall be paid to the said local board, or, in the case of a parish or place in which there shall be no local board of health, to the churchwardens and overseers of the poor, to be by them applied in aid of the rate for the relief of the poor of such parish or place;

and on pro-
prietors of
gasworks, &c.

And whosoever, being proprietor of any gasworks, or being engaged or employed in the manufacture or supply of gas, causes or suffers to be brought or to flow into any stream, reservoir, conduit, aqueduct, or waterworks belonging to or under the management or control of the said local board, or into any drain or pipe communicating therewith, any washing or other substance produced in the manufacture or supply of gas, or shall wilfully do any act connected with the manufacture or supply of gas whereby the water in any such stream, reservoir, aqueduct, or waterworks is fouled,

Shall forfeit to the said local board for every such offence the sum of two hundred pounds, and after the expiration of twenty-four hours' notice in writing from them in this behalf, a further sum of twenty pounds, for every day during which the offence is continued, or during the continuance of the Act whereby the water is fouled; and every such penalty shall be recoverable, with full costs of suit, by action of debt;

And if any water supplied by, belonging to, or ^{11 & 12 Vict. c. 63.} under the management or control of the said local board be fouled in any manner by the gas of any such proprietor or person as last aforesaid, he shall forfeit to the local board for every such offence a sum not exceeding twenty pounds, and a further sum not exceeding ten pounds, for every day whilst the offence is continued after the expiration of twenty-four hours' notice in writing from the said local board in this behalf;

And for the purpose of ascertaining whether such water is fouled by the gas of any such proprietor or person the said local board may lay open and examine any pipes, conduits, and works from which the gas is supposed to escape;

Provided that before beginning so to do twenty-four hours' notice in writing be given to the person to whom such pipes, conduits, or works belong, or under whose management or control they may be, of the time at which the examination is intended to be made;

And if upon such examination it appear that the water has been fouled by the gas proceeding from or contained in the pipes, conduits, or works examined, the expenses of the examination shall be paid and borne by the person to whom such pipes, conduits, or works belong, or under whose management or control they may be, and be recoverable from him in the summary manner herein-after provided;

PUBLIC
HEALTH ACT,
1848.

But if it appear that the water has not been so fouled, then such expenses, and all damages occasioned by the examination, shall be paid by the said local board out of the general district rates levied under this Act, and be recoverable from them in the summary manner herein-after provided.

81.

Power to provide premises for the reception of the dead previously to interment.

LXXXI. And for the purpose of preventing the manifold evils occasioned by the retention of the dead in the dwellings of the poor, be it enacted, that the local board of health may, if they shall think fit, provide, fit up, and make bye-laws with respect to the management and charges for the use of rooms or premises in which corpses may be received and decently and carefully kept previously to interment ;

And the said local board may, upon proper application, and subject to such regulations and at such rates and charges as shall be prescribed by any such bye-laws, make all necessary arrangements for the decent and economical interment of any corpse which may have been received into any rooms or premises so provided in pursuance of this enactment.

82.

Burial grounds, &c. dangerous to health may be prohibited.

LXXXII. And be it enacted, that if upon the representation of the local board of health, —and after inquiry and report by a superintending inspector, notified to the lord bishop of the diocese, —and made, notified, and published in manner herein-before directed

with respect to the inquiry and report of superintending inspectors previously to the constitution of a district under this Act,—and after inquiry by such other ways and means as the general board of health may think fit to direct, the said general board shall certify (such certificate to be published in the *London Gazette*, and in some one or more of the public newspapers usually circulated within the district), that any burial ground (*g*) situate within

^{11 & 12 VICT.}
^{c. 63.}

(*g*) “Sufficient means of interment” intend, I conclude, a public burial ground, and not sufficient available land for the construction of one. Although no express power is given, yet by sections 81, 82, 83, 84, local boards may, I take it, provide burial grounds. This was the opinion of the General Board in a case submitted to them (March 8, 1851); the Board remarked, “although there is no power expressly given to a local board to purchase land for providing a cemetery, the Board consider such a power is impliedly given in the provision, that no burial ground is to be formed within any district without the consent of the General Board. It follows from this that, by consent of the General Board, such a burial ground may be formed, and the General Board will give their consent (after proper inquiry) to a local board for the formation of such a ground.” They added, that there appears no objection to the exchanging an unused portion of land provided for burial purposes, with the consent of the bishop, for other land to be appropriated to the same purpose.

In choosing the site of a burial ground, the local board will have to consider several things intimately connected with the sanitary conditions of its district. The ground preferred should be at a reasonable distance from all dwelling houses. It should be in an airy situation, so that the breezes may freely blow over it, and thus remove unwholesome emanations. It should have a gravelly, dry soil, and be capable in need of being deeply and permanently drained.

PUBLIC
HEALTH ACT,
1848.

any district to which this Act is applied is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof,

Or that any church or other place of public worship within any such district is dangerous to the health of persons frequenting the same, by reason of the surcharged state of the vaults or graves within the walls of or underneath the same,—and that sufficient means of interment exist within a convenient distance from such burial ground, church, or place of public worship,—it shall not be lawful, after a time

It should be so extensive as that it would be needless to disturb a grave for twenty or thirty years. It should, when in use, have its graves covered with herbage; and if these sacred spots are placed very close to growing shrubs and other moderate-sized plants, so much the better will it be for the living. Growing plants, be it remembered, absorb and assimilate those very gases which diffuse disease and destruction to animals. The want of the aid of plants is discernible by even the smell in many an urban graveyard. It is true, as was well remarked by the General Board of Health in their valuable report on extramural sepulture, p. 11, that "it does not necessarily follow that offensive smells are injurious to health; and it is certain that the most deadly atmospheric poisons may be present in great intensity where no indication of their presence is given by the smell. But on the other hand, the sense of smell has been justly described as a sentinel placed at the portals of life to warn us of the presence or approach of what is injurious to life; and beneficent nature, in order to put us upon our guard against the noxious matters arising from the decay of organic substances, has made them disgusting to us." (See also the judgment of Vice-Chancellor Knight Bruce in *Walter v. Selfe*, 20 L. J. R. p. 433. See *ante*, p. 102.)

to be named in such certificate, to bury or permit or suffer to be buried any further corpses or coffins in, within, or under the ground, church, or place of worship to which the certificate relates, except in so far as may be allowed by such certificate ;

^{11 & 12 Vict.}
^{c. 63.}
—

And whosoever, after notice of such certificate, buries, or causes, permits, or suffers to be buried, any corpse or coffin contrary to this enactment, shall for every such offence be liable to a penalty of twenty pounds.

83.

LXXXIII. And be it enacted, that no vault or grave shall be constructed or made within the walls of or underneath any church or other place of public worship built in any district after the passing of this Act,

As to inter-
ments within
churches or
burial
grounds
newly erected
or formed.

And no burial ground shall be made or formed within any district after the passing of this Act, without the consent of the general board of health first had and obtained,

Unless the same be made or formed upon land purchased or authorised by parliament to be appropriated for the purpose of being used as a burial ground before the passing of this Act ;

And whosoever shall bury, or cause, permit, or suffer to be buried, any corpse or coffin in any vault, grave, or burial ground constructed, made, or formed contrary to this enactment, shall for every such offence be liable to a penalty not exceeding fifty pounds, which may

PUBLIC
HEALTH ACT,
1848.

be recovered by any person, with full costs of suit, in an action of debt.

84.

Power to
local boards to
purchase
lands, &c.
under 8 & 9
Vict. c. 18.

LXXXIV. And be it enacted, that the local board of health, by agreement, may purchase, or take upon lease, sell, or exchange, any lands or premises for the purposes of this Act ;

And the Lands Clauses Consolidation Act, 1845, except the parts and enactments of that Act with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the recovery of forfeitures, penalties, and costs, and with respect to lands acquired by the promoters of the undertaking, but which shall not be wanted for the purposes thereof, —shall, in so far as the same is consistent with this Act, be incorporated with this Act ;

And for the purposes of this Act the expression “ the promoters of the undertaking,” wherever used in the said Lands Clauses Consolidation Act, shall mean the local board of health mentioned in this Act ; and all lands and premises which shall be purchased, hired, or taken on lease by the local board of health of any noncorporate district shall be conveyed, demised, and assured to such local board and their successors, in trust for the purposes of this Act, and shall be accepted, taken, and held by them as a body corporate.

85.

Contracts by
local board.

LXXXV. And be it enacted, that the local board of health may enter into all such con-

tracts as may be necessary for carrying this Act <sup>11 & 12 VICT.
c. 63.</sup> into execution ;

And every such contract whereof the value or amount shall exceed ten pounds shall be in writing, and (in the case of a noncorporate district) sealed with the seal (*h*) of the local board by whom the same is entered into, and signed by five or more members thereof, and (in the case of a corporate district) sealed with the common seal,——and shall specify the work, materials, matters, or things to be furnished, had, or done, the price to be paid, and the time or times within which the contract is to be performed, and shall fix and specify some pecuniary penalty to be paid in case the terms of the contract are not duly performed ;

And every contract so entered into, and duly executed by the other parties thereto, shall be binding on the local board by whom the same is executed, and their successors, and upon all other parties thereto, and their executors, administrators, successors, or assigns, to all intents and purposes :

Provided always, that the said local board <sup>Composition
for penalties</sup>

(*h*) As to the need of a corporation seal, see *Ludlow v. Charlton*, 6 M. & W., 815; and *Church v. Imperial Gas Company*, 6 A. & E., 846; as in that case Lord Denman remarked, the general rule of law is, that a corporation contracts under its common seal; as a general rule, it is only in that way that a corporation can express its will or do any act. See sec. 84. In the matter of appointing an attorney, *Arnold v. Poole*, 4 M. & G. 860; *Reg. v. Lichfield*, 10 Q. B., 534.

**PUBLIC
HEALTH ACT,
1848.**

**in respect of
breach of con-
tracts.**

may compound with any contractor or other person in respect of any penalty incurred by reason of the nonperformance of any contract entered into as aforesaid, whether such penalty be mentioned in any such contract, or in any bond or otherwise, for such sums of money or other recompence as to such local board may seem proper :

**Estimates to
be made
before com-
mencing
works.**

Provided also, that before contracting for the execution of any works under the provisions of this Act the said local board shall obtain from the surveyor an estimate in writing, as well of the probable expense of executing the work in a substantial manner as of the annual expense of repairing the same ; also a report as to the most advantageous mode of contracting, that is to say, whether by contracting only for the execution of the work, or for executing and also maintaining the same in repair during a term of years or otherwise :

**As to con-
tracts above
the value of
100l.**

Provided also, that before any contract of the value or amount of one hundred pounds or upwards is entered into by the said local board ten days' public notice at the least shall be given expressing the nature and purpose thereof, and inviting tenders for the execution of the same ; and the said local board shall require and take sufficient security for the due performance of the same.

86.

**Special dis-
trict rate.**

LXXXVI. And be it enacted, that whenever any expenses are incurred or to be incurred by

the local board of health in making, enlarging, ^{11 & 12 Vict. c. 62.} altering, arching over, covering, or enclosing any sewer vested or to be vested in them by this Act, or purchased or acquired by them by virtue thereof,—or in or about any other works, matters, and things of a permanent nature, and executed or done for the benefit of any district or part of a district, the said local board shall make and levy, in respect of the premises situate in the district or part of a district for the benefit of which the expenses are incurred or to be incurred, a rate or rates, to be called special district rates, of such amount as will be sufficient to discharge the amount of such expenses, and interest thereon, within such period, not exceeding thirty years, as the said local board shall in each case determine :

Provided always, with respect to the cost of making any such new sewer, that if it appear to the said local board that any premises were sufficiently drained (i) before the new sewer

(i) "Any premises were sufficiently drained." These words have been made the foundation of much erroneous reasoning and unfounded claims for exemption. The words must of course be read "if it *reasonably* appear" to the local board. If the person assessed is dissatisfied, he must appeal to the sessions (after having first made a fair and reasonably satisfactory representation to the local board). It is, I take it, only in very peculiar cases that such an appeal would be successful. (See last proviso of sec. 49.)

The General Board (March 27, 1851,) in answer to a case, were of opinion that "a local board has not a discretionary power to rate premises in a special district rate which are

PUBLIC
HEALTH ACT,
1848.

was made, they shall deduct from the amount of rates otherwise chargeable in respect of such premises such a sum and for such a time as the said local board may, under all the circumstances of the case, deem to be just.

87.

District fund
account to be
kept.

LXXXVII. And be it enacted, that the treasurer shall keep a separate account, to be called "the district fund account," (*k*) and the moneys carried to such account under the directions of this Act shall be applied by the local board of health in defraying such of the expenses incurred or to be incurred by the said local board in carrying this Act into execution, and not otherwise expressly provided for, as they may think proper ;

General dis-
trict rate.

And the said local board shall from time to time, when and as often as occasion may require,

not benefited by the outlay of the rate. As to the strictness with which this Act is to be construed, see *Baddeley v. Ginnell*, 1 Exchequer, 339.

The leading characteristic of the *Special District Rate* is, that from it is to be paid the expenses of public works of a permanent nature.

(*k*) *District Fund Account*.—The General Board of Health were of opinion (July 23, 1851, in a case from ———), that the district fund might be employed amongst other purposes, under the 77th s., for providing public supplies of water; or under the 74th s., in supplying public walks or pleasure grounds; or under the 56th s., for providing means for the deposit of refuse, &c.; or for defraying in the first instance the cost of works in default of the owners of premises, and for the purchase of premises for widening or otherwise improving any street in the district.

make and levy, in addition to any other rate, a rate or rates to be called "general district rates," (l) for defraying such expenses as are charged upon that rate by this Act, and such other expenses of executing this Act in any district as are not provided for by any other rate, or defrayed out of the said district fund account.

11 & 12 Vict.
c. 63.

88.

LXXXVIII. And be it enacted, that the said special and general district rates shall be made and levied upon the occupier (except in the cases herein-after provided) of all such kinds of property as by the laws in force for the time being are or may be assessable to any rate for the relief of the poor,—and shall be assessed upon the full net annual value of such property ascertained by the rate (if any) for the relief of the poor made (m) next before the making of the respective assessments under this Act;

Property
assessable to
special and
general
district rates.

And for the purposes of making any such

(l) *General District Rates.*—These need not, as is often supposed, extend to the whole district; see last proviso of s. 89. There are various expenses which are by this Act specially payable out of these rates (for highway repairs, see s. 88); of these are the expenses of, 1. preliminary inquiries by the General Board, s. 11; 2. of elections of the members of the board, s. 30; 3. of salaries of clerk, surveyor, inspector, treasurer, s. 37; officer of health, s. 40; 4. of maps, &c., s. 42; 5. of draining open ditches, ponds, &c., s. 58.

(m) That is, the last rate made, allowed, and published (*Baskell's case*, 2 C. B. 111).

PUBLIC
HEALTH ACT,
1848.

assessment the local board of health, or any person appointed by them so to do, may from time to time, at all reasonable times, inspect, take copies of, or make extracts from, any rate for the relief of the poor within their district, or any assessments by which the same are made ;

And whosoever, having the custody of such last-mentioned rate or assessment, refuses to permit such inspection, or the taking of any such copy or extract, shall for every such offence be liable to a penalty not exceeding five pounds :

If in any district there be no rate for relief of the poor, rates shall be made in manner prescribed by 6 & 7 W. 4, c. 66.

Provided always, that if in any district or part of a district there be no rate for the relief of the poor the said special and general district rates shall be made upon an estimate of the net annual value of the several premises liable thereto in such district or part of a district, by a fit person appointed by the local board of health in that behalf, and such estimate shall be made, as near as circumstances will permit, in the manner prescribed by an Act passed in the seventh year of the reign of King William the Fourth, intituled "an Act to regulate parochial assessments," or any other Act for the time being in force for regulating parochial assessments :

Provided also, that the occupier of any land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds, and the occupier of any land covered with water, or used only as a canal or towing

path for the same, or as a railway, constructed under the powers of any Act of parliament, for public conveyance, shall be assessed in respect of the same in the proportion of one-fourth part only of such net annual value thereof (n):

^{11 & 12 Vict.}
^{c. 63.}

(n) By the 14 & 15 Vict. cap. 50, it is enacted, that tithes, tithe rent-charges, moduses, compositions, real and other payments, shall be assessed in the rates made under the Public Health Act in the same proportion of their annual value, as land used as arable, meadow, or pasture ground only.

In assessing a railway, the net annual value by the 6 & 7 W. IV. cap. 96, s. 1, is to be calculated as the rent at which the estate may reasonably be expected to let by the year free from tenants' tithes, rates, and taxes, deducting from this the probable annual cost of the insurance, repairs, and other charges necessary to maintain the same in proper lettable condition.

A railway cannot, I take it, for the reasons given at length by Lord Denman, in the case of the London and South Western Railway Company (1 A. & E. N. S. 558, and 2 G. & D., 49), be dealt with separately from the buildings, stations, and warehouses which are appurtenant to it.

The second proviso to this section enacts that the occupier of the lands therein described shall be rated in respect of the same at one-fourth of the net annual value thereof. This confines the operation of the lower rating scale to the lands, and leaves the houses occupied with them to be rated as houses in the town part of a district. In rating houses held with orchards or fields, in the Croydon district, the proportional rental between house and lands was ascertained, and the rate assessed on the full poor rate value of the house, and one-fourth of that of the land where it came within the enumeration of this section. But the General Board were rather of opinion (in a case submitted to them, May 7, 1851), that as the Act gives no power of revaluation, that where there was no separate assessment to the poor's rate, that there

PUBLIC
HEALTH ACT,
1848.

Exemptions
under local
Acts.

Provided also, that if within any district or part of a district any kind of property shall before the passing of this Act have been exempted from rating by any local Act, in respect of all or any of the purposes for which general or special district rates may be made under this Act, the same kind of property shall in respect of the same purposes, and to the same extent within the parts to which the exemption applies, but not further or otherwise, be exempt from assessment to any general or special district rates under this Act (o).

the house must follow the assessment of the land (and be assessed at one-fourth), but that where house and land are separately assessed, then that the house may be rated on the full, and the land on one-fourth only of its net annual value.—*Sed quere.*

The General Board were of opinion, in a case (January 6, 1851), that a ratepayer thus assessed on account of land at one-fourth the amount of his poor rate assessment, would still be entitled to vote at the subsequent elections of the local board of health, in respect of his rateable value in the poor rate assessment.

(o) Considerable doubt being entertained whether a local board has the power of repairing the roads out of a highway rate, or by a rate under the Public Health Act, the question was submitted to the law officers of the crown; they were of opinion (*J. Jervis, J. Romilly*, June 15, 1850), that a general district rate may be levied under the Public Health Act for defraying the expenses of repairing the highways. and that the local board of health is not bound to levy a rate for that purpose under the General Highway Act (5 & 5 W. IV. c. 50). That the local board of health is not invested with a discretion whether it will levy a general district rate or a highway rate, but that for the repair of the highways it is bound to levy a general district rate under the Public Health Act, and that a rate

89.

11 & 12 Vict.
c. 63.

LXXXIX. And be it enacted, that the local board of health may make and levy the said special and general district rates, or any or either of them, prospectively, in order to raise money for the payment of future charges and expenses, or retrospectively in order to raise money for the payment of charges and expenses which may have been incurred at any time within six months before the making of the rate;

Rates may be
prospective or
retrospective.

And if at the time of making any general or special district rate any premises in respect of which the rate may be made are unoccupied, such premises shall be included in the rate, but the rate shall not be charged upon any person in respect of the same whilst they continue to be unoccupied;—and if any such premises

Assessment to
district rates
in case of
unoccupied
premises.

under the general Highway Act can only be levied in respect of matters of which the expenses cannot be provided for by rates under the Public Health Act. (But see Appendix, No. V., p. 247.)

A highway rate differs, be it noted, from a district rate in one or two important particulars; by sec. 89, lands are to be assessed in district rates at only one-fourth of their poor rate assessment; and by sec. 89, a local board may divide any district into smaller districts, for the purpose of making or repairing the highways.

Unoccupied Premises.—In reference to the charging of these—in reference to sec. 95 (compounding for rates)—the General Board were of opinion (April 2, 1851), in a case from —, that sec. 89 extends to premises compounded for, as well as others—and (case of —, July 21, 1851) that the composition seems to be intended to cover the risk of loss in houses of that class.

**PUBLIC
HEALTH ACT,
1848.**

are afterwards occupied during any part of the period for which the rate was made, and before the same shall have been fully paid, the name of the incoming tenant shall be inserted in the rate, and thereupon so much of the rate as at the commencement of his tenancy may be in proportion to the remainder of the said period shall be collected, recovered, and paid in the same manner in all respects as if the premises had been occupied at the time when the rate was made ;

**Apportion-
ment of rates
between out-
going and
incoming
tenants, &c.**

And if any owner or occupier assessed or liable to any such rate cease to be owner or occupier of the premises in respect whereof he is so assessed or liable before the end of the period for which the rate was made, and before the same is fully paid off, he shall be liable to pay only such part of the rate as shall be in proportion to the time during which he continues to be such owner or occupier ; and in every such case, if any person afterwards become owner or occupier of the premises during part of the said period, he shall pay such part of the rate as shall be in proportion to the time during which he continues to be such owner or occupier, and the same shall be recovered from him in the same manner as if he had been originally assessed or liable ;

**Parts of
district may
be separately
assessed.**

And the said local board may from time to time divide their district, or any street therein, into one or more parts, for all or any or either of the purposes of this Act,—and make a

separate assessment upon any such part for and in respect of all or any of the purposes for which the same is formed,—and every such part, so far as relates to the purposes in respect of which such separate assessment is made, shall be exempt from any other assessment under this Act:—Provided always, that if any expenses are incurred or to be incurred in respect of two or more parts of a district in common the same shall be apportioned between them in a fair and equitable manner.

11 & 12 VICT.
c. 63.
—

90.

XC. And be it enacted, that whenever the local board of health have incurred or become liable to any expenses which by this Act are or by the said local board shall be declared to be private improvement expenses (*p*),—the said local board may, if they shall think fit, make and levy upon the occupier of the premises in respect of which the expenses shall have been incurred, except in the cases herein-after provided, in addition to all other rates, a rate or rates, to be called private improvement rates, of such amount as will be sufficient to discharge such expenses, together with interest thereon at a rate not exceeding five pounds in the hundred, in such period not exceeding thirty years

Private im-
provement
rates.

(*p*) Private improvement rates may be levied for the expenses of making house drains, s. 49; waterclosets, s. 54; for filling up or cleansing ponds, drains, &c., s. 58; repairing private streets, &c., s. 59; for private water apparatus, s. 76.

PUBLIC
HEALTH ACT,
1848.

as the said local board shall in each case determine :

Provided always, that whenever any premises in respect of which any private improvement rate is made become unoccupied before the expiration of the period for which the rate was made, or before the same is fully paid off, such rate shall become a charge upon and be paid by the owner of the premises so long as the same continue to be unoccupied.

91.

Proportion of
private im-
provement
rate may be
deducted
from rent.

XCI. And be it enacted, that if the occupier by whom any private improvement rate is paid holds the premises in respect of which the rate is made at a rent not less than the rackrent he shall be entitled to deduct three-fourths of the amount paid by him on account of such rate from the rent payable by him to his landlord,—and if he hold at a rent less than the rackrent he shall be entitled to deduct from the rent so payable by him such proportion of three-fourths of the rate as his rent bears to the rackrent ;

And if the landlord from whose rent any deduction is made under the provision last aforesaid is himself liable to the payment of rent for the premises in respect of which the deduction is made, and holds the same for a term of which less than twenty years is unexpired, but not otherwise, he may deduct from the rent so payable by him such proportion of the sum deducted from the rent payable to him

as the rent payable by him bears to the rent payable to him, and so in succession with respect to every landlord (holding for a term of which less than twenty years is unexpired) of the same premises both receiving and liable to pay rent in respect thereof:

11 & 12 VICT.
c. 63.

Provided always, that nothing herein contained shall be construed to entitle any person to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him.

92.

XCII. Provided always, and be it enacted (*q*), that at any time before the expiration of the period for which any special district rate or private improvement rate is made, the owner or occupier of the premises assessed thereto may redeem the same, by paying to the local board

Redemption
of special
district and
private im-
provement
rates.

(*q*) This permission to compound in the case of private improvement rates, will be attended with no difficulty. In the case too of small special districts made under s. 89, for special purposes (for which the general special district may not be justly chargeable), there will be little or no difficulty. In the case of other special district rates which are made from year to year for new works, alterations, and repairs (see ss. 45, 86), and of varying amounts, I do not see that it is possible or desirable; I incline to think that it is not the intention of the Act that it should be so, nor does it seem equitable. The owner of a new house, built after the improvements are carried out in any district, has no right to be spared from contributing to the original cost of permanent improvements, or to their repairs. The charge for repairs being commonly mixed up with that for new works, s. 45, would alone, in fact, be a bar to compounding for the ordinary special district rate.

PUBLIC
HEALTH ACT,
1848.

of health the expenses in respect of which the rate was made, or such part thereof as may not have been defrayed by sums already levied in respect of the same.

93.

Water rate.

XCIII. And be it enacted, that whenever and so long as any premises are supplied with water by the local board of health, for the purposes of domestic use, cleanliness, or drainage, they shall make and levy, in addition to any other rate, a water rate(*r*) upon the occupier, except as herein-after provided; and the rate so made shall be assessed upon the net annual value of the premises, ascertained in the manner herein-before prescribed with respect to the said special and general district rates; and when several houses in the separate occupation of several persons are supplied by one common pipe, the respective houses shall be charged with the payment of water rates, in the same manner as if each house had been supplied with water by a separate pipe:

Agreements
with univer-
sities.

Provided always, that in any district to be called the Oxford or Cambridge district the local board of health, with the consent of the said general board, may supply water to any hall, college, or premises of the university within such district, upon such terms with respect to the mode of paying for such supply as shall from time to time be agreed upon

(*r*) See appendix, No. II., p. 237.

between such university, or any hall or college thereof, and the said local board. ^{11 & 12 Vict. c. 63.}

94.

XCIV. And be it enacted, that the said water rate shall be payable in advance;—and whenever any person supplied with water under the provisions of this Act neglects to pay the water rate due from him, upon demand, the local board of health may prevent the water from flowing into the premises of the defaulter in such manner as they may think fit,—and may recover the arrears due, together with the expenses of stopping the supply, in the manner herein-after provided with respect to the recovery of rates made under the authority of this Act:

Water rate payable in advance.

Power to stop water in case of non-payment of rates.

Provided always, that the stopping or cutting off any supply of water by the said local board under this enactment shall not relieve any person from any penalty or liability to which he would have been otherwise subject.

95.

XCV. Provided always, and be it enacted, that when the net annual value of any premises liable to assessment under this Act does not exceed the sum of ten pounds,—or whenever any premises liable to such assessment are let to weekly or monthly tenants,—or in separate apartments,—and the rents become payable or are collected at any shorter period than quarterly,

Composition for and recovery of rates upon tenements under the annual value of 10*l.*, &c.

The local board of health may, from time to

PUBLIC
HEALTH ACT,
1848.

time, if they shall think fit, compound with the owner of such premises for the payment of all or any of the rates to be made under this Act (*s*), upon such reduced estimate of the net annual value, not being less than two-thirds or more than four-fifths of the net annual value at which the premises are then assessed, as the said local board shall deem to be reasonable ;

And any owner who shall refuse to enter into such composition shall be rated to and pay the rates assessed upon such premises in respect of which the composition is offered ; and if at any time the amount of composition, or any rate to which an owner is assessed as last aforesaid, be due and unpaid, the same may

(*s*) *Composition of rates with owners of cottages.*—In a case (Nov. 15, 1850), the General Board were of opinion that the composition should be offered by notices served on the owners, and should be made before the rate is granted, as compounding must affect the gross rental; and that in the estimate, a deduction under s. 89, should be made from unoccupied cottages. And in another case (Dec. 15, 1850), they were of opinion that this section extends to land rated on one-fourth of its annual value, see s. 88, and that an owner compounding under the 95th s., is entitled to be assessed on two-thirds of one-fourth of the net annual value, when such net annual value does not exceed 10*l*.

The Act in the case of *rates* for cottages provides, s. 95, that the amount of these shall be payable by the owner, or in his default by the occupier, who may deduct the amount so paid from his rent, "unless there be an agreement to the contrary." It is noticeable that there is no such saving clause introduced in the case of private improvement rates in s. 91.

be levied by distress and sale of the goods and chattels of the owner in default, wheresoever they may be found, or of the occupier or occupiers of the premises, in the same manner as is herein-after provided with respect to the recovery of rates made under this Act:

^{11 & 12 VICT.}
^{c. 63.}
—

Provided always, that no such owner shall be assessed in respect of any increased rent which may become payable to him by reason of his so compounding for or becoming liable to any rates as aforesaid:

Provided also, that the occupier or occupiers of any such premises as last aforesaid shall be liable to distress and sale of his or their goods and chattels for the nonpayment of such amount of composition or rates as may become due in respect of the premises occupied by him or them during his or their tenancy, but shall never be liable to pay any greater sum than the amount of the rent actually due from him or them for such premises; and he or they may deduct any amount paid by him or them from the rent due, or from time to time becoming due, from him or them, unless there be an agreement to the contrary;— and the receipt for the amount paid by him or them shall to that extent be, as against the owner in default, a sufficient discharge for rent.

96.

XCVI. Provided also, and be it enacted, that it shall be lawful for the local board of

Power to
reduce or
remit rates

PUBLIC
HEALTH ACT,
1848.

on account of
poverty.

Act not to
affect exist-
ing agree-

health to reduce or remit the payment of any rate on account of the poverty of any person liable to the payment thereof.

97.

XCVII. Provided also (*t*), and be it enacted,

(*t*) *Landlords and Tenants.*—Many questions will arise under this section as to the effect of the ordinary clauses of a lease or of an agreement for a house, and how these are to be construed with regard to the provisions of this Act. Most agreements for houses contain a clause that the tenant shall pay all rates and taxes, and in leases it is as commonly stipulated that the tenant shall pay all "taxes, charges, rates, assessments, impositions, and payments, parliamentary, parochial, or otherwise, now or hereafter to be taxed, charged, rated, assessed, or imposed upon the demised premises, or upon the landlord or tenant in respect thereof by authority of parliament or otherwise howsoever."

By s. 49 of this Act the board, in case of a house being without a sufficient drain, are empowered to call upon the *owner* or occupier to construct one, and in default are empowered to construct one, and recover the expenses from the *owner*, or these may be declared to be private improvement expenses; and by s. 146 the board are empowered to receive the same of the *owner* by annual instalments extending over not more than thirty years, and this is quite distinct from the private improvement rates directed in s. 49, three-fourths of which are still payable by the owner under s. 91.

By s. 51 similar directions are given with regard to water-closets, privies, and ashpits; the *owner* is to be charged, or the expenses declared to be private improvement expenses.

In the absence then of all agreement or lease to the contrary dated prior to the application of the Act to the district, the owner of the house may be alone charged with the expenses of constructing house-drains and waterclosets.

In the case of an ordinary agreement or lease made or entered into *previous* to the application of this Act to any locality, some doubt may perhaps be entertained as to whether the landlord, having previously paid the expense of

that nothing in this Act shall alter, interfere with, or affect any lease, contract, or agreement which shall have been made or entered into between landlord and tenant before this Act is

11 & 12 VICT.
c. 63.

ments be-
tween land-
lord and
tenant.

making a house-drain or watercloset, can recover it from his tenant. I am inclined to be of opinion that he could not recover it from his tenant, and that no form of words introduced into a lease, short of a specific recital of the intended new drain or watercloset, or naming of the local board of health rates and requirements, will impose that burthen, or any part of it, upon the tenant. (*Baker v. Greenhill*, 2; *Gale and Davidson*, 345.) The cases which may be cited in support of a contrary view of the case, such as *Payne and Burridge*, and *Waller and Andrews*, do not, I think, exactly apply. In *Payne v. Burridge* (12 M. & W. 727), the lease was made *after* the passing of a paving Act, in which the expense of paving was made payable by the tenant, but deductable out of the rent payable to the landlord: these rates then are to all intents nothing more than ordinary highway rates; the covenant to pay rates and taxes being in the usual form, clearly, I take it, included a pavement rate like this, and the only claim to exemption on the part of a tenant rested in a supposed distinction between a rate for the laying down a new pavement, and a rate for keeping it in repair. In *Waller v. Andrews* (3 M. & W. 312), the tenant had consented to "pay and discharge all outgoings whatsoever, rates, taxes, *scots*, &c., whether parochial or parliamentary, that then were or should be thereafter charged or chargeable upon or on account of the said marsh lands." By *scots* was meant sewers rates. The commissioners of sewers having made a new sluice, levied a rate for the purpose of paying for it, four-fifths of the amount being assessed upon the owners and one-fifth upon the occupiers; the Court of Exchequer held that the tenant was liable under his agreement to pay all *scots*, as this was a parliamentary *scot*. In this case the sluice was for the general benefit of the whole district, but (like the pavement, in *Payne and Burridge*) it belonged to no one in par-

PUBLIC
HEALTH ACT,
1848.

applied to the district in which the premises are situate in respect of which the lease, contract, or agreement was made.

ticular ; it must, I think, be regarded as similar to an ordinary sewer rate, in which the charges for new works and the repairs of old are commonly mixed together too intimately to be conveniently distinguished.

The Public Health Act must be regarded, in many of its valuable enactments, to be unlike any other statute. The Act does not in the case of drains or waterclosets, authorise an ordinary tax or imposition upon the owner of the house. It declares and enacts, that if he has built only a portion of a house, and thus made it so that its ordinary occupation is dangerous not only to its inmates but to the public health, and therefore contrary to the great and good spirit of the law of the land, that, in that case, he shall complete that house in such a manner as to no longer render it publicly objectionable; although by the common law the burthen of *cleansing and repairing* of sewers or drains falls upon the tenant, because he it is who has the use of them. (*Rich v. Basterfield*, 4 C. B., 784; *Chantler v. Robinson*, 4 Exchequer, 164; *Russel v. Shenton*, 3 Q. B., 449.) Yet if a landlord builds a privy in such a manner that it is a nuisance, or likely to become a nuisance by its use, and lets the land, he, and not the occupier, is liable to an indictment. (*Rex v. Pedley*, 1 A. & E., 822; and see *Rex v. Moore*, case of a shooting ground, 3 B. & Ad., 184.) And I am not aware of any case where the *construction* of a house-drain or water-closet has been held to fall upon the occupier.

There are, however, burthens authorised by the Act which can hardly be always imposed upon any *general* principle ; the makers of the Act evidently felt this when they gave a wide discretion to the local boards of health to impose the burthen upon either the owner or occupier, and make that burthen sustainable for one year, or during not more than thirty. The tenure upon which the house is held must, I take it, be in all disputed cases carefully regarded by a local board. The cases of a nearly expired demise, or

98.

11 & 12 Vict.
c. 63.

XCVIII. And be it enacted, that the local board of health, before proceeding to make any general or special district rate or private improvement rate under this Act,

Estimate to be prepared before making rates.

Shall cause an estimate (u) to be prepared

of a lease having many years to run, are so dissimilar, that much must of necessity be left to the discretion and equitable feeling of the local board. In any case the board can, in the instance of tenants for life, trustees, persons of small means, and infants, declare the expenses to be private improvement expenses, and diffuse the payment over a reasonable term of years. In the case of owners and occupiers of short or long terms, they may, in case they deem it right that the occupier should bear a portion of the burthen, make the same arrangements, fixing the payment for one or more years. And under sec. 90 it does not seem imperative on the board to make the annual payments of private improvement rates of *equal* annual amounts; and if so, then they can, in cases where the equity of the case seems to require it, make the payments for the first year smaller than after the expiration of the existing lease or annual holding; and although by sec. 92 the owner may redeem any private improvement rate, yet surely it would not be contended that the amount paid for the redemption of the rate is recoverable from the tenants under any ordinary covenant of a lease.

(u) The estimate directed by the statute should be prepared carefully and equitably; the items of which this estimate is composed, and on which the rate is made, are not matters of form and amendable under s. 137, but matters of substance; and although these are to a wide extent amendable under s. 102, yet cases may arise where the items introduced into a rate should have more correctly belonged to another rate, in which case the trouble of amending it would be greater than in making a new rate. A local board in the case of certain expenses, such as lighting a district, has often to act as judges between the ratepayers of a general and a

PUBLIC
HEALTH ACT,
1848.

of the money required for the purposes in respect of which the rate is to be made, showing the several sums required for each of such purposes, the rateable value of the property assessable, and the amount of rate which for those purposes it is necessary to make upon each pound of such value; and the estimate so made shall forthwith, after being approved of by the said local board, be entered in the rate book, and be kept at their office, open to public inspection during office hours thereat.

99.

Notice of
rate.

XCIX. And be it enacted, that public notice of intention to make any general or special district rate, and of the time at which it is intended to make the same, and of the place where a statement of the proposed rate is deposited for inspection, shall be given by the local board of health, in the week immediately before the day on which the rate is intended to be made, and at least seven days previously thereto;—but in case of proceedings to levy or recover any rate it shall not be necessary to prove that such notice was given.

100.

Rates to be
open to in-
spection,

C. And be it enacted, that any person interested in or assessed to any rate made under this

special district, and are themselves commonly for the most the inhabitants of the special district; they should in all such cases carefully act in accordance with the directions of s. 89, and apportion the expenses incurred in common, strictly in "a fair and equitable manner."

Act may inspect the same, and any estimate made previously thereto,—and may take copies of or extracts therefrom, without fee or reward ;

11 & 12 Vict.
c. 63.
—
under a
penalty for
refusal.

And whosoever, having the custody of such estimate or rate, refuses to allow or does not permit such inspection, or such copies or extracts to be taken, shall for every such offence be liable to a penalty not exceeding five pounds.

101.

CI. And be it enacted, that whenever the name of any owner or occupier liable to be rated under this Act is not known to the local board of health, it shall be sufficient to assess and designate him in the rate as “the owner” or “the occupier” of the premises in respect of which the assessment is made, without further description.

Description
of owner or
occupier in
rates if his
name be un-
known.

102.

CII. And be it enacted, that the local board of health may from time to time amend any rate made in pursuance of this Act (v),—by inserting therein the name of any person claiming and entitled to have his name inserted,—or by inserting the name of any person who

Rates may be
amended.

(v) *The Amending an Assessment.*—The General Board were of opinion (Nov. 2, 1850), that the power (possessed by a local board) of amendment of a rate by raising or reducing the sum at which any person has been assessed does not extend to the case of an unfair valuation to the poor's rate, but is confined to cases where there is no poor's rate valuation at all.—*Sed quere.*

PUBLIC
HEALTH ACT,
1849.

ought to have been assessed,——or by striking out the name of any person who ought not to have been assessed,——or by raising or reducing the sum at which any person has been assessed, if it appear to the said local board that he has been under-rated or over-rated,——or by making any other alteration which will make the rate conformable to the provisions of this Act,

And no such amendment shall be held to avoid the rate :

Provided always, that any person who may feel himself aggrieved by any such amendment shall have the same right of appeal therefrom as he would have had if the matter of amendment had appeared on the rate originally made,

And with respect to him the amended rate shall be considered to have been made at the time when he first received notice of the amendment ;

And in the case of any person the amount of whose rate is increased by the amendment, or whose name is thereby newly inserted as aforesaid, the rate shall not be payable by him until seven days after such notice shall have been given to him.

103.

Rates made
under this
Act to be
published as
poor rates,
and collected

CIII. And be it enacted, that all rates made or collected under the authority of this Act, shall be published(*w*) in the same manner as

(*w*) *Publishing Rates.*—The affixing the notices of publi-

poor rates,——and shall commence and be payable at such time or times, and shall be made in such manner and form, and be collected by such persons, and either together or separately, or with any other rate or tax, as the local board of health shall from time to time appoint;

11 & 12 Vict.
c. 63

as local board
shall appoint.

And if any person assessed to any such rate fail to pay the same when due, and for the space of fourteen days after the same shall have been lawfully demanded in writing, any justice may and he is hereby empowered to summon the defaulter to appear before him, or any other justice, at a time and place to be mentioned in the summons, to show cause why the rate in arrear should not be paid;

Justices may
summon
persons for
nonpayment,
and in default
may recover
by distress.

And in case the defaulter fail to appear according to the exigency of the summons, or no sufficient cause for non-payment be shown, the justice may, by warrant under his hand and seal, cause the same to be levied by distress of the goods and chattels of the defaulter:

Provided always, that if no distress sufficient to satisfy the amount can be found within the

cation to the doors of the churches and chapels of the *district* would be, perhaps, sufficient even if the district did not (as in the case of Exmouth) include the parish church; it would be well, however, in all cases (as the trouble and expense are small), to give as fair notice, in all cases, as possible, by affixing the notices to the doors of all the places of public worship in the parish or parishes included in the district.

PUBLIC
HEALTH ACT,
1848.

jurisdiction of the justice by whom such warrant is granted, and it so appear upon oath before a justice of any other county or jurisdiction in which any goods or chattels of the defaulter may be, the last-mentioned justice shall endorse his signature upon the said warrant, and thereupon the amount to be levied, or so much thereof as may be unsatisfied, shall be levied off the last-mentioned goods and chattels, in the same manner as if the defaulter had been assessed in the last-mentioned county or jurisdiction;

And if any person quit or be about to quit any premises without payment of any rate then due from him in respect of such premises under this Act, and refuse to pay the same after lawful demand thereof in writing, any justice having jurisdiction where such person resides or his goods are found may and he is hereby empowered to summon him to appear, at a time and place to be mentioned in the summons, to show cause why the rate so due should not be paid; and in case the defaulter fail to appear, or no sufficient cause for nonpayment be shown, the justice may, by warrant under his hand and seal, cause the sum to be levied by distress of the goods and chattels of the defaulter (*x*).

(*x*) As this statute imposes a new liability, and gives a particular remedy, no action will lie for the recovery of the rates made under this Act. (*Underhill v. Ellicombe*, *Maclelland & Y.* 450; *Stevens v. Jeacocke*, 11 Q. B. 731.)

104.

CIV. And be it enacted, that warrants of 11 & 12 VICT. c. 63. distress for the recovery of any rate payable under the authority of this Act, may be in the form contained in the schedule (D.) annexed to this Act, or to the like effect; and any constable authorised by any such warrant who shall neglect or refuse to make distress or sale pursuant to the same, after being required so to do by a collector of the district in which the rate in arrear was made, shall be liable to a penalty not exceeding five pounds.

Form of distress warrant.

Penalty upon constables refusing to levy.

105.

CV. Provided always, and be it enacted, that nothing in this Act shall be deemed to alter or interfere with the liability of the universities of Oxford and Cambridge respectively to contribute in the proportion and manner specified in any local Act under which the Oxford and Cambridge Commissioners respectively now act towards the expense of paving and pitching, repairing, lighting, and cleansing, under the powers of any such local Act, the several streets, lanes, ways, alleys, passages, and places within the jurisdiction of such commissioners respectively; and in case any difference shall arise between either of the said universities and the local board of health with respect to the proportion and manner in which the university shall contribute towards any expenses under this Act, and to which the university is not liable under any such local Act, the same shall be settled by the general board of health: Pro-

Quota of rates to be paid by the universities, &c.

PUBLIC
HEALTH ACT,
1848.

vided also, that all rates, contributions, and sums of money which may become payable under this Act by the said universities respectively, and their respective halls and colleges, may be recovered from such universities, halls, and colleges in the same manner in all respects as rates, contributions, and sums of money may now be recovered from them by virtue of any such local Act.

106.

Evidence of
rates.

CVI. And be it enacted, that the production of the books purporting to contain any rate or assessment made under this Act shall alone, and without any other evidence whatsoever, be received as *prima facie* evidence of the making and validity of the rates mentioned therein.

107.

Rates may be
mortgaged.

CVII. And be it enacted, that the local board of health may for the purposes of defraying any costs, charges, and expenses incurred or to be incurred by them in the execution of this Act, borrow and take up at interest, on the credit of the rates authorised to be made or collected under this Act, any sums of money necessary for defraying any such costs, charges, and expenses (y) ;

And for the purpose of securing the repayment of any sums so borrowed, together with such interest as aforesaid, the said local board may mortgage and assign over to the persons by or on behalf of whom such sums are advanced the respective rates upon the credit of

(y) See Table, Appendix, No. III., p. 245.

which the sums are borrowed ; and the respective mortgagees shall be entitled to a proportion of the rates comprised in their respective mortgages according to the sums in such mortgages mentioned to have been advanced ; and each mortgagee shall be repaid the sums so advanced, with interest, without any preference over the others of them by reason of any priority of advance or the date of his mortgage :

11 & 11 VICT.
c. 63.

No priority
amongst
mortgagees.

Provided always, that the money borrowed under the authority of this Act shall be borrowed only for works of a permanent nature, and shall not at any time exceed in the whole the assessable value for one year of the premises assessable under this Act within the district or part of the district for or in respect of which such money shall be borrowed, and shall (as far as practicable) be borrowed upon the credit of the respective rates applicable to the works, matters, or things in respect of which the money is required ;

And the money borrowed for the purpose of defraying any costs, charges, or expenses incurred or to be incurred in respect of part of a district only shall be charged (as far as practicable) upon the credit of any separate rates made or to be made for the purposes of such part ; and in case any such costs, charges, or expenses shall apply to or be incurred in respect of two or more of such parts, the money borrowed in respect of the same shall be equitably apportioned by the local board upon any rates

PUBLIC
HEALTH ACT,
1848.

made or to be made for the purposes of such parts respectively.

108.

Commission-
ers of public
works may
make ad-
vances to
local boards
under 5 & 6
Vict., c. 9.

CVIII. And be it enacted, that the commissioners acting in the execution of an Act passed in the second session of the fifth year of her Majesty's reign, intituled "An Act to authorise the advance of money out of the consolidated fund, to a limited amount, for carrying on public works and fisheries and employment of the poor, and to amend the Acts authorising the issue of exchequer bills for the like purposes," and in the execution of any of the Acts recited in that Act, or of any Act or Acts for amending or continuing the same Acts or any of them, may, if they shall think fit, make advances to the local board of health of any district for the purposes of this Act, upon the security of the rates to be levied by such board under this Act, and without requiring any further or other security than a mortgage of such rates.

109.

Money may
be borrowed
at lower rates
of interest to
pay off securi-
ties bearing a
higher rate.

CIX. And be it enacted, that if the local board of health can at any time borrow at a lower rate of interest than that secured by any mortgage previously made by them, and then outstanding and in force, they may, if they shall think fit, so borrow accordingly, in order, with the consent of the mortgagee, to pay off and discharge any of the securities bearing a higher rate of interest,

And may charge the rates which they may be authorised to mortgage under this Act with payment of the sum so borrowed, together with the interest thereon, in such manner and subject to such regulations as are herein contained with respect to other moneys borrowed upon mortgage.

11 & 12 VICT.
c. 63.

110.

CX. And be it enacted, that if at the time appointed by any mortgage deed for payment of the principal money secured thereby the local board of health are unable to pay off the same, they may, if they shall think fit,—borrow such sum of money as may be necessary for the purpose of paying off the whole or any part of the said principal moneys, and may secure the repayment of the same, and the interest to be paid thereon, in the same manner in all respects as in the case of moneys borrowed for defraying costs, charges, and expenses incurred by the local board of health in the execution of this Act.

Power to
borrow money
to pay off
former mort-
gages.

111.

CXI. And be it enacted, that every mortgage (y) authorised to be made under this Act

Form of
mortgage.

(y) *Form of Mortgage.*—The General Board, although they will, after due inquiry, give their consent, in writing, to the mortgage of the rates of a district, yet they refused (January 9, 1851) to be made parties to the mortgage.

The General Board were of opinion, in answer to a case (May 29, 1851), with reference to this section and sec. 113,

**PUBLIC
HEALTH ACT,
1848.**

shall be by deed, truly stating the date, consideration, and the time and place of payment, and shall (in the case of a non-corporate district) be sealed with the seal of the local board of health by or on the part of whom the same is executed, and be signed by five or more members thereof, or (in case of a corporate district) be sealed with the common seal, and may be made according to the form contained in the schedule (B.) to this Act annexed, or to the like effect;

**Register of
mortgages.**

And there shall be kept at the office of the local board of health a register of the mortgages upon each rate, and within fourteen days after the date of any mortgage an entry shall be made in the register of the number and date thereof, and of the names and description of the parties thereto, as stated in the deed,—and every such register shall be open to public inspection during office hours at the said office, without fee or reward;—and any clerk or other person having the custody of the same refusing to allow such inspection, shall be liable to a penalty not exceeding five pounds.

112.

**Transfer of
mortgages.**

CXII. And be it enacted, that any mortgagee or other person entitled to any such mortgage may transfer his estate and interest therein to any other person by deed duly stamped, truly

that the time and place of repayment must be set out in every mortgage authorised to be made under this Act.

stating its date and the consideration for the transfer; and such transfers may be according to the form contained in the schedule (C.) to this Act annexed, or to the like effect:

^{11 & 12 Vict.}
^{c. 63.}
—

And there shall be kept at the office of the local board of health a register of the transfers of mortgage charged upon each kind of rate, and within thirty days after the date of such deed of transfer, if executed within the united kingdom, or within thirty days after its arrival in the united kingdom, if executed elsewhere, the same shall be produced to the clerk, who shall, upon payment of the sum of five shillings, cause an entry to be made in such register of its date, and of the names and description of the parties thereto as stated in the transfer;

Register of
transfers.

And upon any transfer being so registered the transferee, his executors, administrators, or assigns, shall be entitled to the full benefit of the original mortgage, and the principal and interest secured thereby; and every such transferee may in like manner transfer his estate and interest in any such mortgage; and no person except the person to whom the same shall have been last transferred, his executors, administrators, or assigns, shall be entitled to release or discharge any such mortgage, or any money secured thereby.

113.

CXIII. And be it enacted, that the interest secured by any mortgage authorised to be made

Interest to be
paid half-
yearly.

PUBLIC
HEALTH ACT,
1948.

Mortgage
debts to be
paid off by
means of a
sinking fund.

under this Act shall, unless otherwise provided, be paid half-yearly ;

And in order to pay off any moneys borrowed and secured by any such mortgage (z), the local board of health shall in every year, until the same be paid off, appropriate and set apart as a sinking fund such sum as, together with the interest from time to time to accrue thereon, will in the period of thirty years amount to a sum sufficient to repay the moneys borrowed and secured by any such mortgage,—and shall from time to time cause such sinking fund, and the interest thereon, to be invested in the purchase of exchequer bills or other government securities, and to be increased by accumulation in the way of compound interest or otherwise ;

And whenever the said local board are enabled to pay off one or more of the mortgages charged upon the same property or rate, and are not able to pay off the whole of the mortgages so charged, they shall, in default of arrangement between the local board of health and the

(z) *Period of redeeming Mortgage.*—The General Board were of opinion (in a case, April 16, 1850), that if a board raise money otherwise than by mortgage of their rates, they will be acting under the provisions of the 86th s., and may levy rates for repayment of moneys borrowed in less time than thirty years; but if the money be raised by mortgage of the rates, the period of thirty years is imperative.* *Sed quere.*

For a table of loans of different amounts, and the amount of the necessary contribution to repay in thirty years money borrowed, see Appendix, No. III., p. 245.

mortgagees, decide by lot the order in which the same shall be paid off.

11 & 12 VICT.
c. 63.

114.

CXIV. And be it enacted, that if at the expiration of six months from the time when any principal money or interest has become due upon any mortgage of rates made under this Act, and after demand in writing, the same be not paid,—the mortgagee or other person entitled thereto may, without prejudice to any other mode of recovery, apply for the appointment of a receiver to two justices, who are hereby empowered, after hearing the parties, to appoint in writing under their hands and seals some person to collect and receive the whole or a competent part of the rates liable to the payment of the principal or interest in respect of which the application is made, until such principal or interest, or both, as the case may be, together with the costs of the application and the costs of collection, are fully paid; and upon such appointment being made all such rates, or such competent part thereof as aforesaid, shall be paid to the person appointed, and when so paid shall be so much money received by or to the use of the mortgagee or mortgagees of such rates, and shall be rateably apportioned between them:

Receiver may
be appointed
in certain
cases.

Provided always, that no such application shall be entertained unless the sum or sums due and owing to the applicant amount to one thousand pounds, or unless a joint application

PUBLIC
HEALTH ACT,
1848.

be made by two or more mortgagees or other persons to whom there may be due after such lapse of time and demand as last aforesaid, moneys collectively amounting to that sum.

115.

Bye-laws of
local board
not to be in
force till con-
firmed by
secretary of
state.

CXV. And be it enacted, that all bye-laws made by the local board of health under and for the purposes of this Act shall be in writing under their seal, and the signature of any five or more of their number, or (in the case of a corporate district) under the common seal ;

And the said local board may by any such bye-laws impose upon offenders against the same such reasonable penalties as they shall think fit, not exceeding the sum of five pounds for each offence, and in the case of a continuing offence a further penalty not exceeding the sum of forty shillings for each day after written notice of the offence from the said local board ;

And the said local board may alter or repeal any such bye-laws by any subsequent bye-laws, sealed and signed, or (in case of a corporate district) sealed as last aforesaid :

Provided always, that all such bye-laws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty :—Provided also, that no such bye-laws shall be repugnant to the laws of England or to the provisions of this Act, and the same shall not be of any force or effect unless and until the same be submitted to and confirmed by one of her Majesty's prin-

cipal secretaries of state (a), who is hereby empowered to allow or disallow the same, as he may think proper :

11 & 12 Vic.
c. 63.

Provided also, that no such bye-laws shall be confirmed unless notice of intention to apply for confirmation of the same shall have been given in one or more of the public newspapers usually circulated within the district to which such bye-laws relate one month at least before the making of such application; and for one month at least before any such application a copy of the proposed bye-laws shall be kept at the office of the local board of health, and be open during office hours thereat to the inspection of the ratepayers of the district to which

Notice of
confirmation,
&c.

(a) Bye-laws intended for confirmation should be transmitted to the Secretary of State for the Home Department, with the copy of a newspaper in which appeared the notice of the intention to apply for their confirmation. These may either be written or printed copies, properly authenticated by the chairman of the board, countersigned by the clerk.

The General Board were of opinion (January 3, 1851), in the case of slight alterations made by the Secretary of State, that it was not necessary before confirmation, that alterations should be readvertised, and again deposited for a month at the office of the local board.

The bye-laws which may be made under this Act by a local board, are chiefly as to the meetings, &c., of the board, s. 34; the duties, &c., of the officers, s. 37; the removal by private persons of dust, rubbish, &c., s. 55; emptying cesspools, &c., s. 55; management of slaughter-houses, s. 62; regulation of noxious or offensive trades, s. 64; regulation of common lodging houses, s. 66; houses for the temporary reception of the dead, s. 81. As to the penalties under bye-laws and their recovery, see s. 129.

PUBLIC
HEALTH ACT,
1848.

such bye-laws relate, without fee or reward; and the clerk shall furnish every such ratepayer who shall apply for the same with a copy thereof or of any part thereof, on payment of sixpence for every one hundred words contained in such copy.

116.

Bye-laws to
be printed,
&c.

CXVI. And be it enacted, that all bye-laws made by the local board of health in pursuance of this Act shall be printed, and hung up in the office of the said local board; and copies thereof shall be delivered to any ratepayer of the district to which such bye-laws relate, upon his application for the same.

117.

Local board
to be survey-
ors of high-
ways;

CXVII. And be it enacted, that the local board of health within the limits of their district shall, exclusively of any other person whatsoever, execute the office of and be surveyor of highways—and have all such powers, authorities, duties (*b*), and liabilities as any surveyor of highways in England is now or may hereafter be invested with or be liable to by

(*b*) The General Board were of opinion (April 4, 1851), that the surveyors of the roads under the Public Health Act must attend before the justice to verify their accounts under the General Highway Act, 5 & 6 W. IV. c. 50; exactly as ordinary surveyors of highways.

The Acts relating to the duties of the surveyors of the highways are the General Highway Act, 5 & 6 W. IV. c. 50; and also 4 & 5 Vict. c. 51; 4 & 5 Vict. c. 59; 12 Vict. c. 14; 12 & 13 Vict. c. 35. See also ss. 70 and 72 of this Act.

virtue of his office by the laws in force for the time being, except in so far as such powers, duties, or authorities are or may be inconsistent with the provisions of this Act ;

^{11 & 12 Vict.}
^{c. 63.}
—

And the inhabitants of any district shall not in respect of any property situate therein be liable to the payment of highway rate or other payment, not being a toll, in respect of making or repairing roads or highways within any parish, township, or place, or part of any parish, township, or place, situate beyond the limits of such district :

Provided always, that the several persons who at the time when this Act is applied to any district are surveyors of highways within the same district may recover any highway rate made in respect of the said district, and then remaining unpaid, in the same manner as if this Act had not been passed ; and the money so recovered shall be applied, in the first place—in reimbursing themselves any expenses incurred by them as such surveyors, and in discharging any debts legally owing by them on account of the highways within their jurisdiction ;—and the surplus (if any) shall be paid by them to the treasurer, and carried to the district fund account mentioned in this Act :

^{but existing}
^{surveyors to}
^{recover rates}
^{in arrear.}

Provided also, that neither the allowance by justices, nor the signature by the local board of health, shall be necessary in the case of any rate made by the local board of health under this Act.

PUBLIC
HEALTH ACT,
1848.

Existing
liabilities to
make sewers,
&c. not to be
discharged.

118.

CXVIII. And be it enacted, that, notwithstanding the application of this Act to any district, — the liability of any person whomsoever to defray or contribute towards the expense of making, completing, altering, amending, or maintaining any sewer, or any walls or works for protecting the land against the force or encroachments of the sea, or of paving or flagging or putting in order any street or part thereof within the district, shall, if incurred previously to the time when this Act is so applied, continue, and the same may be enforced, as if this Act had not been passed, and the rates to be levied under this Act shall be made only for purposes to which such liability does not extend.

Mortgage of
rates to be
made only
with approval
of general
board.

119.

CXIX. And be it enacted, that it shall not be lawful for the local board of health to borrow or take up at interest any sum or sums of money upon the credit of any rates authorised to be made or collected under this Act without the previous consent of the general board of health.

Parties
aggrieved by
proceedings of
local board as
to recovery of

120.

CXX. And be it enacted, that if in any case in which the local board are empowered to recover any expenses (c) incurred by them in a

(c) The cases in which the power of imposing private improvement rates, are—1. for making house-drains, &c., s. 49; 2. for making waterclosets, &c., s. 51; 3. or repairing these, s. 54; 4. for cleansing or filling up noxious or offensive ditches, ponds, &c. s. 58; 5. for repairing private streets, s. 69.

summary manner, or to declare such expenses to be private improvement expenses, any person shall deem himself to be aggrieved by the decision of the said local board thereupon,

11 & 12 Vict.
c. 63.

—
certain ex-
penses may
appeal to the
general
board.

He may, within seven days after notice of such decision, address a memorial to the said general board, stating the grounds of his complaint; and the said general board may make such order in the matter as to them may seem equitable, and the order so made shall be binding and conclusive upon the said local board;

And if the said local board shall have proceeded to recover such expenses in a summary manner, the said general board may, if they shall think fit, direct the said local board to pay to the person so proceeded against such sum as they may consider to be a just compensation for the loss, damage, or grievance thereby sustained by him.

121.

CXXI. And be it enacted, that during any inquiry by a superintending inspector under this Act he may and he is hereby empowered to summon before him any persons whomsoever, and to examine them upon oath or otherwise touching any matter relating to the purposes of the inquiry,—and he may by any such summons require any parochial officer, or any officer of or acting under any corporation, guardians, or directors of the poor, and any commissioner, trustee, officer, or person acting under any local Act of parliament in force within the district

Superintend-
ing inspectors
may summon
witnesses, call
for plans,
rates, &c.

PUBLIC
HEALTH ACT,
1848.

or place to which any such inquiry may relate, to produce before him any surveys, plans, sections, rate books, or other like documents which may by reason of their office be in their custody or control touching any matter relating to the purposes of such inquiry,

And such inspector may examine, inspect, or take copies of any such books, surveys, plans, sections, and documents, or any of them, or part thereof;

And whosoever wilfully disobeys any such summons, or prevents any such inspector from examining, inspecting, or taking copies as last aforesaid, or refuses to answer any question put to him by such inspector for the purposes of the said inquiry, shall be liable to a penalty not exceeding five pounds:

Provided always, that no person shall be required to attend in obedience to any such summons unless the reasonable charges of his attendance shall have been paid or tendered to him; and no person shall be required in any case, in obedience to any such summons, to travel more than ten miles from his place of abode.

122.

As to audit of
accounts.

CXXII. And be it enacted, that the accounts of the receipts and expenditure of the local board of health shall be audited(*d*) and examined

(*d*) *The Auditor*.—The General Board were of opinion (Dec. 16, 1850), in a case put to them, that looking to this section, and to the 7 & 8 Vict. c. 101, s. 32, that

once in every year at the least, at such time or times as shall be appointed by such local board,—in case of a corporate district, by the auditors of the corporate borough, whereof the whole or part is within such district;—and in case of a district exclusively consisting of the whole or part of two or more corporate boroughs, or of one or more of such boroughs, and also of part of any such borough or boroughs, by such two of the auditors for the time being of the corporate boroughs respectively, whereof the whole or part is within such district as shall from time to time be appointed by the local

^{11 & 12 Vict.}
^{c. 62.}
—

a power of disallowing and surcharging is involved in the power given to audit and certify.

Books.—It will of course be necessary, besides the ordinary account books, essential to the proper conduct of a large public establishment (such as a day book, cash book, and ledger), for a local board to be provided with the following books (and others will be also necessary):—

A complaint book, in which all complaints made by the inhabitants shall be entered.

A qualification book, to be signed by each member of the board after his election.

A minute book, in which the proceedings of the board shall be entered, see s. 34.

A register book of slaughter-houses—see s. 61.

A register book of lodging-houses—see s. 66.

A register book, in which are entered in parallel columns the site of all new houses, the level or intended level of the lowest floor, the mode in which they are proposed to be drained, and supplied with privies or waterclosets and cesspools, the names and residence of their owners, the report thereon of the surveyor, and resolution of the board—see s. 53. These, with all the necessary forms, are kept by Mr. C. Knight, 90, Fleet Street.

PUBLIC
HEALTH ACT,
1848.

board of health; and in case of any other district as soon as can be after the twenty-fifth day of March in every year, by the auditor of accounts relating to the relief of the poor for the district for the audit of such accounts or for the parish or union in which such district under this Act is comprised,

Or if any district under this Act be partly situate in two or more parishes, unions, or districts for the audit of accounts, by such one of the auditors for the time being of the parishes, unions, or districts for the audit of accounts (whereof the whole or part is within such district under this Act) as shall from time to time be appointed by the local board of health;

Power to
auditor to
require pro-
duction of
books, &c.

And for the purposes of any audit and examination of accounts under this Act, every such auditors or auditor may, by summons in writing, require the production before him of all books, deeds, contracts, accounts, vouchers, and all other documents and papers which they or he may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers to appear before them or him at any such audit and examination or adjournment thereof, and to make and sign a declaration with respect to the same;

Penalty on
persons for
neglect.

And if any such person neglect or refuse so to do, or to produce any such books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign such declaration, he

shall be liable for every neglect or refusal to a ^{11 & 12 VICT. c. 63.} penalty of forty shillings,

And if he falsely or corruptly make or sign any such declaration, knowing the same to be untrue in any material particular, he shall be liable to the penalties inflicted upon persons guilty of wilful and corrupt perjury ;

And all accounts certified by the auditors or auditor acting under this Act shall be final and conclusive to all intents and purposes ;—and such auditors or auditor shall in respect of each audit be paid by the local board of health, out of the general district rates levied under this Act, such reasonable remuneration as they shall from time to time by order in writing determine and appoint :

Provided always, that before each audit and examination of accounts under this Act the clerk shall give ten days' notice of the time and place at which the same will be made, by advertisement in some one or more of the public newspapers usually circulated within the district for which the audit and examination will be made ; and a copy of the accounts to be audited and examined shall be deposited in the office of the local board of health, and be open during office hours thereat to the inspection of all persons interested, for seven days before the audit and examination ; and all such persons shall be at liberty to take copies of or extracts from the same without fee or reward ;

Accounts
previous to
audit to be
deposited, and
open to in-
spection, &c.

And within fourteen days after the audit

PUBLIC
HEALTH ACT,
1848.

and examination shall have been completed the auditors or auditor shall report upon the accounts audited and examined, and shall deliver such report to the clerk, who shall cause the same to be deposited in the office of the local board of health, and to be published in some one or more of the public newspapers usually circulated in the district to which it relates.

123.

Mode of
referring to
arbitration.

CXXIII. And be it enacted, that in case of dispute as to the amount of any compensation to be made under the provisions of this Act (except where the mode of determining the same is specially provided for), and in case of any matter which by this Act is authorised or directed to be settled by arbitration, then, unless both parties concur in the appointment of a single arbitrator, each party on the request of the other shall appoint an arbitrator, to whom the matter shall be referred;—and every such appointment when made on the behalf of the local board of health shall (in the case of a non-corporate district) be under their seal and the hands of any five or more of their number, or under the common seal in case of a corporate district, and on the behalf of any other party under his hand, or if such party be a corporation aggregate under the common seal thereof^(e);

And such appointment shall be delivered to

(e) See case of *Wilts Railway*, 3 Ex. 728.

the arbitrators, and shall be deemed a submission to arbitration by the parties making the same; and after the making of any such appointment the same shall not be revoked without the consent of both parties, nor shall the death of either party operate as a revocation; and if for the space of fourteen days after any such matter shall have arisen, and notice in writing by one party who has himself duly appointed an arbitrator to the other party, stating the matter to be referred, and accompanied by a copy of such appointment, the party to whom notice is given fail to appoint an arbitrator, the arbitrator appointed by the party giving the notice shall be deemed to be appointed by and shall act on behalf of both parties (f); and the award of any arbitrator or arbitrators appointed in pursuance of this Act shall be binding, final, and conclusive upon all persons, and to all intents and purposes whatsoever (g).

11 & 12 Vict.
c. 63.

124.

CXXIV. And be it enacted, that if before the determination of any matter so referred any arbi-

Death, &c. of
one of several
arbitrators;

(f) See *Tew v. Harris*, 11 Q. B. 7; in this case it was held, that the appointment of an arbitrator was not complete until after the notice thereof to the opposite party.

(g) By sec. 137 it is provided that an award under this Act is not removable by *certiorari*. As to awards under voluntary submission, see *Fuller v. Fenwick*, 3 C. B. 705; and as to the appointment of another arbitrator in case the first fails to make an award within the limited time, see *Willoughby v. Willoughby*, 9 Q. B. 923.

PUBLIC
HEALTH ACT,
1848.

of single
arbitrator.

trator die, or refuse or become incapable to act, —the party by whom such arbitrator was appointed may appoint in writing another person in his stead ;—and if he fail so to do for the space of seven days after notice in writing from the other party in that behalf the remaining arbitrator may proceed *ex parte* ; and every arbitrator so appointed shall have the same powers and authorities as were vested in the arbitrator in whose stead the appointment is made ; and in case a single arbitrator die, or become incapable to act, before the making of his award, or fail to make his award within twenty-one days after his appointment, or within such extended time, if any, as shall have been duly appointed by him for that purpose, the matters referred to him shall be again referred to arbitration under the provisions of this Act as if no former reference had been made.

125.

Appointment
of umpire by
the parties ;

by quarter
sessions.

CXXV. And be it enacted, that in case there be more than one arbitrator the arbitrators shall, before they enter upon the reference, appoint by writing under their hands an umpire,—and if the person appointed to be umpire die, or become incapable to act, the arbitrators shall forthwith appoint another person in his stead ;

And in case the arbitrators neglect or refuse to appoint an umpire for seven days after being requested so to do by any party to the arbitration, the court of general or quarter sessions

shall, on the application of any such party, ^{11 & 12 Vict. c. 63.} appoint an umpire; and the award of the umpire shall be binding, final, and conclusive upon all persons and to all intents and purposes whatsoever;

And in case the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time, if any, as shall have been duly appointed by them for that purpose, the matters referred shall be determined by the umpire; and the provisions of this Act with respect to the time for making an award, and with respect to extending to the same in the case of a single arbitrator, shall apply to an umpirage.

126.

CXXVI. Provided always, and be it enacted, ^{Time within which award must be made.} that the time for making an award under this Act shall not be extended beyond the period of three months from the date of the submission or from the day on which the umpire shall have been appointed (as the case may be).

127.

CXXVII. And be it enacted, that any arbitrator, arbitrators, or umpire, appointed by virtue of this Act, may require the production of such documents in the possession or power of either party as they or he may think necessary for determining the matters referred, and may examine the parties or their witnesses on ^{Power to arbitrator to require production of documents.}

PUBLIC
HEALTH ACT,
1848.

As to costs of
reference.

Submission
may be made
a rule of
court.

Declaration
to be made by
arbitrator and
umpire.

oath (*h*) ; and the costs of and consequent upon the reference shall be in the discretion of the arbitrator or arbitrators, or of the umpire (in case the matters referred are determined by an umpire under the power herein-before contained in that behalf) ; and any submission to arbitration under the provisions of this Act may be made a rule of any of the superior courts, on the application of any party thereto.

128.

CXXVIII. And be it enacted, that before any arbitrator or umpire shall enter upon any such reference as aforesaid he shall make and subscribe the following declaration before a justice of the peace ; (that is to say)—

“ I *A.B.* do solemnly and sincerely declare, that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the Public Health Act, 1848. *A.B.*”

And such declaration shall be annexed to the award when made ; and if any arbitrator or umpire shall wilfully act contrary to such declaration he shall be guilty of a misdemeanour.

129.

Recovery of
damages, &c.

CXXIX. And be it enacted, that in all cases in which the amount of any damages, costs, or

(*h*) See *Tillam v. Copp*, 5 C. B. 211, as to the general discretion which an arbitrator possesses, as to the mode of conducting the inquiry.

expenses is by this act directed to be ascertained ^{11 & 12 Vict.} or recovered in a summary manner the same _{c. 63.} may be ascertained by and recovered before two justices, together with such costs of the proceedings as the justices may think proper ;

And if the sums adjudged be not paid by the party against whom the adjudication is made the same may be levied by distress and sale of his goods and chattels, by warrant under the hands and seals of the justices making the adjudication ; and any penalty imposed by or under the authority of this Act, or any bye-law made under this Act, the recovery whereof is not otherwise expressly provided for, may, upon proof on oath of the offence in respect of which the penalty is alleged to have been incurred, be recovered before two justices, together with such costs of the proceedings as they may think proper ; and if the sums adjudged be not paid by the party against whom the adjudication is made the same may be levied by distress and sale of his goods and chattels, by warrant under the hands and seals of the justices making the adjudication ; and such justices or either of them may order that any offender convicted as last aforesaid be detained and kept in safe custody until return can be conveniently made to the last-mentioned warrant,—unless he give sufficient security, by way of recognizance or otherwise, for his appearance on the day appointed by the return, —such day not being more than eight days

**PUBLIC
HEALTH ACT,
1848.**

from the time of taking the security;—and if before issuing such warrant, or upon the return thereof, it appear to the satisfaction of the last-mentioned justices that no sufficient distress can be had within their jurisdiction, they may, by warrant under their hands and seals, cause the offender to be committed to gaol, there to remain, without bail, for any term not exceeding three months, unless such penalty and costs be sooner paid.

130.

**Form of con-
viction.**

CXXX. And be it enacted, that the justices before whom any person is convicted of any offence against the provisions of this Act may cause the conviction to be drawn up according to the form and directions contained in the Schedule (E.) annexed to this act, or to the like effect; and any conviction so drawn up shall be valid and effectual to all intents and purposes.

131.

**Mode of pro-
ceeding be-
fore justices.**

CXXXI. And be it enacted, that in proceeding before any justice or justices under the provisions of this Act, in any case in which the mode of proceeding is not specially prescribed, —any one justice may summon the party charged to appear before the justice or justices by whom the matter is to be determined at a time and place to be named;—and upon the appearance of the party charged, or in his absence upon proof of service of the summons upon him personally—or by leaving a copy

thereof at his last known place of abode or business, — the last-mentioned justice or justices may hear and determine the matter, —and for that purpose examine the parties or any of them, and their witnesses, on oath ;

And the costs of all such proceeding shall be in the discretion of the last-mentioned justice or justices ;

And where in this Act any sum of money whatsoever is directed to be levied by distress and sale of the goods and chattels of any party, the overplus arising from such sale shall, after satisfying such sum, and the costs and expenses of the distress and sale, be returned to him on demand ;

And no distress levied under the authority of this Act shall be unlawful, nor shall any party making the same be a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall he be a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such default or irregularity may recover full satisfaction in an action upon the case (i).

132.

CXXXII. And be it enacted, that justices of the peace, being also members of any local

(i) As to forms of summons—the summoning officer—see 11 & 12 Vict. c. 43.

PUBLIC
HEALTH ACT,
1848.

board, may
act under this
Act.

board of health, may, if acting in petty sessions, notwithstanding their being such members, exercise the jurisdiction vested in them as such justices under this Act.

133.

Common
informers not,
to sue with-
out consent of
attorney
general.

CXXXIII. And be it enacted, that no proceedings for the recovery of any penalty incurred under the provisions of this Act shall be had or taken by any person other than by a party grieved—or the local board of health in whose district the offence is committed,—or by the churchwardens and overseers of the poor (where any such penalty is directed to be paid to the churchwardens and overseers of the poor),

Proceedings
for penalties
to be taken
within six
months.

Application
of penalties.

Without the consent in writing of her Majesty's attorney-general first had and obtained;—and that no such penalty shall be recovered unless proceedings for the recovery thereof shall have been commenced within six calendar months after the commission or occurrence of the offence upon which the penalty attaches; and if the application of the penalty be not otherwise provided for, one-half thereof shall go to the informer, and the remainder to the local board of health of the district in which the offence was committed (*k*):

Provided always, that if the said local board be the informer they shall be entitled to the whole of the penalty recovered, and all penalties

(*k*) *Meredith v. Holman*, 16 M. & W. 798.

or sums recovered on account of any penalty to them shall be paid over to the treasurer, and shall by him be placed to the district fund account mentioned in this Act.

134.

CXXXIV. And be it declared and enacted, that, notwithstanding the liability of any person to any penalty under the provisions of this Act, he shall not be relieved from any other liability to which he would have been subject if this Act had not been passed.

135.

CXXXV. And be it enacted, that any person who shall think himself aggrieved by any rate made under the provisions of this Act,—or by any order, conviction, judgment, or determination of or by any matter or thing done by any justice or justices, in any case in which the penalty imposed or the sum adjudged shall exceed the sum of twenty shillings,

May appeal to the court of general or quarter sessions holden next after the making of the rate objected to, or accrual of the cause of complaint(*l*;)—but the appellant shall not be heard in support of the appeal, unless within fourteen days after the making and publication

(*l*) The effect of omitting to appeal against a rate or other matter legal on the face of it, and within the jurisdiction of those who have made the rate or done the thing, may be seen in *Birmingham v. Shaw*, 10 Q. B. 868; *Ramsbottom v. Duckworth*, 1 Exchequer, 506.

PUBLIC
HEALTH ACT,
1848.

of the rate appealed against, or accrual of the cause of complaint, he give to the local board of health, or justice or justices by whose Act he may think himself aggrieved,—notice in writing stating his intention to bring such appeal, together with a statement in writing of the grounds of appeal; and the said court, upon hearing and finally determining the matter of the appeal, shall and may, according to its discretion, award such costs to the party appealing or appealed against as they shall think proper, and its determination in or concerning the premises shall be conclusive and binding on all persons to all intents and purposes whatsoever:

Provided always, that if there be not time to give such notice and enter into such recognizance as aforesaid before the sessions holden as last aforesaid, then such appeal may be made to, and such notice, statement, and recognizance to be given and entered into for, the next sessions at which the appeal can be heard: Provided also, that on the hearing of the appeal, no grounds of appeal shall be gone into or entertained other than those set forth in such statement as aforesaid.

136.

Power of
sessions upon
appeals
against rates.

CXXXVI. And be it enacted, that the said court of general or quarter sessions shall upon appeals under this Act against any rate have the same power to amend or quash any rate or

assessment(m), and to award costs between the parties to the appeal, as is or may by law be vested in any court of general or quarter ses-^{11 & 12 Vict. c. 63.}

(m) The sessions will, I take it, consider that an appellant on and after the day on which he received notice of a sufficient amendment of a rate, is not a person who could reasonably "think himself aggrieved" (sec. 135); with respect to him, the rate must be considered as made at the time he received notice of the amendment (sec. 102). If, however, he continues his appeal, that appeal must be against the amended rate. The Act directs (sec. 136), that the sessions shall have the same power on appeals as in appeals against the poor rates. The language of the Act is similar in this respect to that of the 48 Eliz. c. 2, which, in the case of poor rates, gave the right of appeal to such persons only as "find themselves grieved." This was construed by the courts to mean only such as were wrongly placed on the rate or overrated; under that Act therefore the appellant has no right to appeal. Then came the Act 17 Geo. II. c. 38 (chiefly occasioned by abuses at the Westminster election, the electors being the ratepayers), which, by sec. 4, gives the right of appeal to any person who "shall have any material objection to any person or persons being put on or left out of such rate or assessment." It would not serve an appellant's purpose, however, under this Act, to fish out any persons who, in the amended rate, ought to have been placed there, since it has been determined that, without some improper motive is shown, the simple fact of being left out of a poor rate is no ground of appeal (*The King v. George*, 6 A. & E. 451—1 N. & P.); for, as Coleridge, J., remarked in that case, "I cannot see that the simple circumstance of being left out of a poor's rate necessarily imparts a grievance;"—of course if the appellant is left out to prevent his voting under sec. 20, or for any other corrupt motive, this would be ground of appeal.

A rate duly made and published cannot be legally abandoned. It must, on motion or appeal, be quashed by the sessions. (*The King v. Cowbridge*, 2. A. & E. 370.)

PUBLIC
HEALTH ACT,
1848.

sions with respect to amending or quashing any rate or assessment, or awarding costs, upon appeals with respect to rates for the relief of the poor;—and the costs awarded by the said court under this Act may be recovered in the same manner in all respects as costs awarded upon the last-mentioned appeals :

Provided always, that notwithstanding the quashing of any rate appealed against, all moneys charged by such rate shall, if the court before whom the appeal is heard think fit so to order, be levied as if no appeal had been made, and such moneys, when paid, shall be taken as payment on account of the next effective rate for the purposes in respect of which the quashed rate was made.

137.

No rate or
proceeding to
be quashed
for want of
form, &c.

CXXXVII. And be it enacted, that no rate, nor any proceeding to be had touching the conviction of any offender against this Act, nor any order, award, or other matter or thing whatsoever made, done, or transacted in or relating to the execution of this Act, shall be vacated, quashed, or set aside for want of form, or be removed or removable by certiorari or other writ or process whatsoever into any of the superior courts.

The court of King's Bench, however, in this case, showed no favour to the appellant, who applied for a mandamus to the justices to enter continuances and hear the appeal: for the purpose of quashing it, they refused him his costs.

138.

CXXXVIII. And be it enacted, that the local board of health of any non-corporate district may sue and be sued in the name of the clerk(n) for the time being for or concerning any contract, matter, or thing whatsoever relating to any property, works, or things vested or to become vested in them by reason of the provisions of this Act, or relating to any matter or thing whatsoever entered into or done, or intended to be entered into or done by them, under the provisions of this Act;

11 & 12 Vict.
c. 63.

Proceedings
in case of
non-corporate
districts.

And in any action of ejectment brought or prosecuted by such local board it shall be sufficient to lay the demise in the name of the said clerk; and in proceedings by or on the part of such local board against any person for stealing or wilfully injuring or otherwise improperly dealing with any property, works, or things belonging to them or under their management, it shall be sufficient to state generally that the property or thing in respect of which the proceeding is instituted is the property of the said clerk,

Actions, &c.
in name of
clerk.

Mode of
describing
property of
local board.

And all legal proceedings by, on the part of, or against such local board, under this Act, may be preferred, instituted, and carried on in his name; and no proceedings whatever shall abate or be discontinued by the death, resignation, or removal of the clerk, or by reason of

Actions, &c.
not to abate.

(n) *Cortis v. Kent Waterworks*, 7 B. & C. 332.

PUBLIC
HEALTH ACT,
1848.

Clerk to be
reimbursed
expenses.

any change or vacancy in such local board by death, resignation, or otherwise :

Provided always, that the clerk in whose name any such action or suit, complaint, information, or proceeding, may be brought, preferred, instituted, or defended as aforesaid, shall be fully reimbursed out of the general district rates to be levied under this Act all such costs, charges, damages, and expenses as he shall or may be or become liable to pay, sustain, or be put unto by reason of his name being so used.

139.

Notice of
action.

CXXXIX. And be it enacted, that no writ or process shall be sued out against or served upon any superintending inspector, or any officer or person acting in his aid,——or under the direction of the general board of health,——nor against the local board of health, or any member thereof,——or the officer of health, clerk, surveyor, inspector of nuisances, or other officer or person whomsoever acting under the direction of the said local board,

For anything done or intended to be done under the provisions of this Act, until the expiration of one month next after notice in writing(*o*) shall have been delivered to him, or left at their or his office or usual place of abode,

(*o*) As to the cases where notices have been decided to be necessary, see *Hughes v. Buckland*, 15 M. & W. 346; *Kent v. G. Western R. Comp.* 3 C. B. 714; *Horn v. Thornborough*, 3 Exchequer, 846; as to the matters contained in the notices, *Pilkington v. Riley*, 3 Exchequer, 739.

clearly and explicitly stating the cause of action, and the name and place of abode of the intended plaintiff, and of his attorney or agent in the cause ;

11 & 12 VICT.
c. 63.

And upon the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in the last-mentioned notice ; and unless such notice be proved the jury shall find for the defendant ;

And every such action shall be brought or commenced within six months next after the accrual of the cause of action, and not afterwards,

Limitation of
actions.

And shall be laid and tried in the county or place where the cause of action occurred, and not elsewhere ;

Venue.

And the defendant shall be at liberty to plead the general issue, and give this Act and all special matter in evidence thereunder ;

General issue.

And any person to whom any such notice of action is given as aforesaid may tender amends to the plaintiff, his attorney or agent, at any time within one month after service of such notice, and in case the same be not accepted may plead such tender in bar, and (by leave of the court) with the general issue or other plea or pleas ; and if upon issue joined upon any plea pleaded to the whole action the jury find generally for the defendant, or if the plaintiff be nonsuited or discontinue, or if judgment be given for the defendant, then the defendant

Tender of
amends, &c.

PUBLIC
HEALTH ACT,
1848.

Money may
be paid into
court.

shall be entitled to full costs of suit, and have judgment accordingly; and in case amends have not been tendered as aforesaid, or in case the amends tendered be insufficient, the defendant may, by leave of the court, at any time before trial, pay into court, under plea, such sum of money as he may think proper, and (by the like leave) may plead the general issue or other plea or pleas, any rule of court or practice to the contrary notwithstanding.

140.

Persons
acting in exe-
cution of Act
not to be per-
sonally liable.

CXL. And be it enacted, that no matter or thing done or contract entered into by the local board of health, nor any matter or thing done by any superintending inspector, or any member of the said local board, or by the officer of health, clerk, surveyor, inspector of nuisances, or other officer or person whomsoever acting under the direction of the said local board (p), shall,

If the matter or thing were done or the contract were entered into *bond fide* for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim, or demand whatsoever; and any expense incurred by any such local board, member, officer of health, clerk, surveyor, inspector of

(p) As to contractors, see *Allen v. Hayward*, 7 Q. B. 960; *Reedie v. N. W. Railway*, 4 Exchequer, 244. In this case it was held, that a company were not liable for the effects of an accident caused by the negligence of a contractor's servants.

nuisances, or other officer or person acting as last aforesaid, shall be borne and repaid out of the general district rates levied under the authority of this Act.

11 & 12 VICT.
c. 63.

141.

CXLI. And be it enacted, that her Majesty may from time to time alter or amend any order in council made under or in pursuance of the provisions of this Act, by any subsequent order in council, in such manner as her Majesty, by and with the advice of her privy council, may think proper ;

Orders in council and provisional orders may be amended, and districts extended.

And if at any time it appear to the general board of health that any provisional order made by them under this Act should be altered or amended, or that the boundaries of any district should be altered or extended, they shall make a provisional order under their hands and seal of office accordingly :

Provided always, that no order in council or provisional order as last aforesaid shall be made until such proceedings have been taken in and with respect to the district and parts to be affected thereby as are herein-before required to be taken previously to the original constitution of a district under this Act ; and no such provisional order shall be of any force or effect without the previous authority of parliament, as herein-before prescribed with respect to provisional orders made under this Act.

142.

CXLII. And be it enacted, that all orders

Publication of orders in council, &c. ...

**PUBLIC
HEALTH ACT,
1848.**

Reports of
superintend-
ing inspectors,
&c. to be laid
before par-
liament.

in council under this Act shall take effect and be in full force and operation within the district to which they apply from and after a day which shall be specified in such orders for that purpose; and a copy of every such order shall be published in the *London Gazette*, and shall be laid before parliament in the month of January in every year, if parliament be then sitting, or if parliament be not then sitting then within one week after the next meeting thereof; and whenever any provisional order of the general board of health is submitted to parliament for confirmation, the said general board shall present to both houses of parliament a copy of all reports of any superintending inspector with respect to the parts to which the provisional order relates, and of all memorials forwarded to the said general board with respect to such reports.

143.

Entry upon
lands for the
purposes of
this Act.

CXLIII. And be it enacted, that in case it shall become necessary to enter, examine, or lay open any lands or premises for the purposes of making plans, surveying, measuring, taking levels, examining works, ascertaining the course of sewers or drains, or ascertaining or fixing boundaries,

And the owner or occupier of such lands or premises shall refuse to permit the same to be entered upon, examined, or laid open for the purposes aforesaid or any of them,

The local board of health may, upon notice

to such owner or occupier, apply to two justices for an order authorising the members of such local board, and the superintending inspector, surveyor, and inspector of nuisances, or any of them, to enter, examine, and lay open the said lands and premises for the purposes aforesaid or any of them, and if no sufficient cause shall be shown against the same the said justices may make an order authorising the same accordingly, and thereupon any superintending inspector, the local board of health, or any member thereof, the surveyor, and inspector of nuisances, and any person authorised by any such superintending inspector, local board, surveyor, or inspector of nuisances, may, at all reasonable times between the hours of ten in the forenoon and four in the afternoon, enter, examine, or lay open the lands or premises mentioned in such order, for such of the said purposes as shall be specified in the said order, without being subject to any action or molestation for so doing :

11 & 12 Vict.
c. 63.

Provided always, that, except in case of emergency, no entry shall be made or works commenced under the powers of this enactment unless twenty-four hours at the least previously thereto notice of the intended entry, and of the object thereof, be given to the occupier of the premises intended to be entered.

144.

CXLIV. And be it enacted, that full com- Compensation
in case of

PUBLIC
HEALTH ACT,
1848.

damage by
local board.

pensation (*q*) shall be made, out of the general or special district rates to be levied under this Act, to all persons sustaining any damage by reason of the exercise of any of the powers of this Act; and in case of dispute as to amount the same shall be settled by arbitration in the manner provided by this Act; or, if the compensation claimed do not exceed the sum of twenty pounds, the same may be ascertained by and recovered before justices in a summary manner.

145.

Sewers, &c. of
commission-
ers of sewers,
private water-
courses, &c.
not to be used
without
consent.

CXLV. And be it declared and enacted, that nothing in this Act shall be construed to authorise the local board of health (*r*) to use, injure, or interfere with any sluices, flood-gates, sewers, groynes, sea defences, or other works already or hereafter made under the authority of any commissioners of sewers appointed by the crown,—or any sewers or other works already or herein-after made and used for the purposes of draining, preserving, or improving land under any local or private Act of parliament,—or for the purpose of irrigating lands, or to use, injure, or interfere with any water-course (*s*), stream, river, dock, basin, wharf,

(*q*) See *Lew's* case, 1 Exchequer, 44.

(*r*) The magistrates, it would seem, had no power under the Nuisances Removal Act to order the owners to cleanse the bed of a foul and offensive river (the General Board, in a case submitted to them, May 22, 1850).

(*s*) See *Wood v. Waud*, 3 Exchequer, 748.

quay, or towing path, in which the owner or occupier of any lands, mills, mines, or machinery, or the proprietors or undertakers of any canal or navigation, shall or may be interested, without consent in writing first had and obtained ;—and that nothing herein contained shall prejudice or affect the rights, privileges, powers, or authorities given or reserved to any person under any local or private Act of parliament for the drainage, preservation, or improvement of land, or for or in respect of any mills, mines, machinery, canal, or navigation, as last aforesaid.

^{11 & 12 VICT.}
^{c. 63.}
—

146.

CXLVI. And be it enacted, that in any case in which the local board of health may have incurred expenses for the repayment whereof the owner of the premises for or in respect of which the same are incurred is made liable by this Act,—the said local board may, if they think fit, allow such owner time for repayment, and receive the same by such annual instalments, not being less than one-thirtieth part of the entire sum, together with interest at the rate of five pounds in the hundred upon the sum from time to time remaining unpaid, as they, under the circumstances of each case, may consider to be just ;

Local board
may allow
owners time
for repayment
of expenses.

But although time for repayment be allowed as last aforesaid, the sum due, or so much thereof as may be unpaid, shall from time to time, in case of default in payment at the

**PUBLIC
HEALTH ACT,
1848.**

times respectively appointed for payment, be recoverable in like manner in all respects as the entire sum might have been recovered if time for repayment had not been allowed.

147.

False evi-
dence punish-
able as
perjury.

CXLVII. And be it enacted, that every person who upon any examination on oath under the provisions of this Act shall wilfully and corruptly give false evidence shall be liable to the penalties inflicted upon persons guilty of wilful and corrupt perjury.

148.

Penalty for
obstructing
officers,
defacing
boards, &c.;

CXLVIII. And be it enacted, that whosoever wilfully obstructs any superintending inspector, or any member of the local board of health, or any officer or person duly employed in the execution of this Act, or destroys, pulls down, injures, or defaces any board upon which any bye-law, notice, or other matter is inscribed, shall, if the same were put up by authority of the local or general board of health, be liable for every such offence to a penalty not exceeding five pounds;

Penalty
upon occu-
piers prevent-
ing execution
of works.

And if the occupier of any premises prevent the owner thereof from obeying or carrying into effect the provisions of this Act, any justice to whom application is made in this behalf shall, by order in writing (which may be according to the form contained in the schedule (F.) to this Act annexed, or to the like effect), require such occupier to permit the execution of the works required to be exe-

cuted, provided that the same appear to such justice to be such as are necessary for the purpose of obeying or carrying into effect the provisions of this Act;

11 & 12 Vict.
c. 63.

And if within a reasonable time after the making of such order the occupier against whom it is made refuse to comply therewith, he shall be liable to a penalty not exceeding five pounds for every day afterwards during the continuance of such refusal;

And if the occupier of any premises, when requested by or on behalf of the local board of health to state the name of the owner of the premises occupied by him, shall refuse or wilfully omit to disclose or wilfully mis-state the same, any justice may, on oath made before him of such request, and refusal, omission, or mis-statement, summon the party to appear before him or some other justice at a time and place to be appointed in such summons, and if after being so summoned he neglect or refuse to attend at the time and place so appointed, or if he do not show good cause for such refusal, or if such wilful omission or mis-statement be proved, the justice before whom the party is so summoned may impose upon the offender a penalty not exceeding five pounds.

Occupiers to
disclose
owner's name.

149.

CXLIX. And be it enacted, that whenever the consent, sanction, or approval, or authority of the general board of health is required by

Consents of
board of
health and
local board to
be in writing.

**PUBLIC
HEALTH ACT,
1848.**

the provisions of this Act, the same shall be in writing under their seal and the hands of two or more members thereof;

And whenever the consent, sanction, approval, or authority of the local board of health is so required the same shall (in the case of a non-corporate district) be in writing under their seal and the hands of five or more of them, or (in case of a corporate district) under their common seal (*t*).

150.

Service of
notice upon
local board;

CL. And be it enacted, that any summons, notice, writ, or proceeding of any kind whatsoever to be served upon the local board of health may be so served by being left at or sent through any post office, directed to the local board of health at their office, or by being delivered there to the clerk personally;

upon owners
and occu-
piers.

And in all cases in which any notice is by this Act required to be given to the owner or occupier of any premises it shall be sufficient to address the notice to them by the description of the "owner" or "occupier" (as the case may require) of the premises (naming them) in respect of which the notice is given, without

(*t*) The order relating to the payments of money upon the treasurer, by the Croydon local board, was signed by five members of the board, and was to the effect that he was thereby authorised to honour all cheques upon him signed by three members of the board, and countersigned by the clerk.

further name or description; and the notice shall be served upon them or one of them, as the case may require, either personally or by delivering the same to some inmate of his or their place of abode, or in the case of the occupier (and also in case of the owner, if his place of abode be unknown) upon any inmate of the last-mentioned premises, or if such premises be unoccupied, then, in case the notice is required to be served upon the occupier, (and in case of the owner also, if his residence be unknown,) it shall be sufficient to fix the notice upon some conspicuous part of the premises :

^{11 & 12 Vict.}
^{c. 68.}

Provided always, in the case of notices to the owner, that, although his place of abode be known to the local board of health, yet, if it be not within the limits of their district, it shall be sufficient for them to transmit any notice, directed to him by name, through the post.

151.

CLI. (u) And be it enacted, that no advertisement inserted or caused to be inserted by the general or local board of health in the *London*

Exemptions
from stamp
duty.

(u) The General Board considered, in the case of —, (see *ante*, p. 47,) that the appointment of a proxy under this Act need not be on a 2s. 6d. stamp, but that in the case of sureties for a treasurer, they were of opinion that the security was liable to the ordinary stamp duty (in *re Nuneaton*, June 9, 1851).

PUBLIC
HEALTH ACT,
1848.

Gazette or any paper or publication under this Act, or for the purpose of carrying the same into effect, nor any deed, award, submission, instrument, contract, agreement, or writing made or executed by the said general or local board, their officers or servants, under or for the purposes of this Act, nor any appointment by the general or local board of any officer or person under this Act, shall be chargeable with any stamp duty whatever;

Exemption
from window
duty in cer-
tain cases.

And in case any vault, cellar, or underground room of any house containing, at the time of the passing of this Act, seven windows or lights only, shall have been let or occupied separately as a dwelling before the passing of this Act, without any external window, or such an external window as is required by the provisions of this Act with respect to the letting and occupation of vaults, cellars, and underground rooms, and it shall become necessary, by reason of such provisions, to make such an external window as is required thereby, in order that such vault, cellar, or underground room may lawfully be let or occupied separately as a dwelling, the making only of such external window shall not render any person liable in respect of such house to the duties payable for a house having eight windows or lights, anything in any Act of Parliament to the contrary notwithstanding.

152.

Amendment
of Act, &c.

CLII. And be it enacted, that this Act may

be amended or repealed by any Act to be passed ^{11 & 12 Vict.}
during this present session of parliament (x). _{c. 63.}

(x) The Supplemental Acts to the Public Health Act, 1848, are incorporated with this Act—these are the 12 & 13 Vict. c. 94; 13 & 14 Vict. c. 32; 13 & 14 Vict. c. 90; 13 & 14 Vict. c. 108; 14 & 15 Vict. c. 80; 14 & 15 Vict. c. 98; and the 14 and 15 Vict. c. 108; these will be found in a subsequent portion of this volume.

Form of Voting Paper.

PUBLIC
HEALTH ACT,
1848.

Schedule (A.)

SCHEDULES
TO WHICH THE FOREGOING ACT REFERS.

SCHEDULE (A).

Form of Voting Paper.

District of

No. of Voting Paper.	Name and Address of Voter.	Number of Votes.	
		As Owner.	As Rate-payer.

Directions to the Voter.

The voter must write his initials against the name of every person for whom he votes, and must sign this paper.

If the voter cannot write he must affix his mark, but such mark must be attested by a witness, and such witness must write the initials of the voter against the name of every person for whom the voter intends to vote.

If a proxy vote he must in like manner write his initials, sign his own name, and state in writing the name of the corporation or company for whom he is proxy.

Initials of the voter against the names of the persons for whom he intends to vote.	Names of the persons nominated.	Residence of the persons nominated.	Quality or calling of the persons nominated.	Names of the Nominators.	Address of the Nominators.

Schedules.

205

I vote for the persons in the above list against whose names my initials are placed.

11 & 12 VICT.
c. 63.

Signed _____

or the mark of _____

_____ witness to the mark

or _____ proxy for _____.

Schedules
(B.) and (C.)

SCHEDULE (B).

Form of Mortgage of Rates.

By virtue of the Public Health Act, 1848, the local board of health for the district of _____ in consideration of the sum of _____ paid to the treasurer of the said district by A. B., of _____ for the purposes of the said Act, do grant and assign unto the said A. B., his executors, administrators, and assigns, such proportion of the rates arising or accruing by virtue of the said Act from [*the rates mortgaged*] as the said sum of _____ doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates, to hold to the said A. B., his executors, administrators, and assigns, from the day of the date hereof until the said sum of _____ with interest at the rate of _____ per centum per annum for the same, shall be fully paid and satisfied: And it is hereby declared that the said principal sum shall be repaid on the _____ day of _____ at [*place of payment*]. Dated this _____ day of _____ one thousand eight hundred and _____

[*In case of a noncorporate district, to be signed by five members at least of the local board of health, and sealed with their seal; in case of a corporate district, to be sealed with the common seal.*]

SCHEDULE (C).

Form of Transfer of Mortgage.

I, A. B., of _____ in consideration of the sum of _____ paid to me by C. D. of _____ do hereby transfer to the said C. D., his executors, administrators, and assigns, a certain mortgage bearing date the _____ day of _____ and made by the local board of health for the district of _____ for securing the sum of _____ and interest thereon

PUBLIC
HEALTH ACT,
1848.

Schedule (D.)

at ——— per centum per annum [or if such transfer be by indorsement on the mortgage, insert, instead of the words immediately following the word "assigns," the within security], and all my right, estate, and interest in and to the money thereby secured, and in and to the rates thereby assigned. In witness whereof I have hereunto set my hand and seal, this ——— day of ——— one thousand eight hundred and ———

A. B. (L.S.)

SCHEDULE (D).

Form of Distress Warrant. (See ante, p. 157.)

To A. B., Collector of Rates,

and to all Constables and Peace Officers.

County of ——— } WHEREAS complaint hath been duly
[or Borough, &c.] } made by A. B., one of the collectors for
to wit. } the district of ——— under and by
virtue of the Public Health Act, 1848, that C. D., of, &c. hath not paid and hath refused to pay the sum of ——— duly assessed upon him in and by a certain rate bearing date on or about the ——— day of ——— in the year of our Lord one thousand eight hundred and ——— although the same hath been duly demanded of him: And whereas it appears to me, E. F., esquire, one of Her Majesty's justices of the peace in and for the said county [or borough, &c.], as well upon the oath of the said A. B., as otherwise, that the said sum of ——— hath been duly demanded in writing by him for the said C. D., and that the said ——— hath refused to pay the same for the space of fourteen days after such demand made, and doth refuse to pay the same: And whereas the said C. D. hath been duly summoned to appear before me to show cause why the said sum should not be paid by him, and not having shown to me any sufficient cause why the same should not be paid, these are therefore, in her Majesty's name, to command you to levy the said sum of ——— and also the sum of ——— the costs of proceedings to obtain this warrant, by distress and sale of the goods and chattels of the said C. D., and your reasonable charges of taking, keeping, and selling the said distress, rendering to him the overplus (if any), on demand; and if sufficient distress cannot be found of the

goods and chattels of the said C. D., that then you certify the same to me, together with this warrant, to the end that such further proceedings may be had therein as to the law doth appertain.

Given under my hand and seal, the ——— day of ——— in the year of our Lord ———

(Signed) E. F. (L. S.)

SCHEDULE (E.)

Form of Conviction.

County of ——— } BE it remembered, That on the ———
[or Borough, &c.] } day of ——— in the year of our Lord
to wit. } ———, A. B. is convicted before me [or
us] ——— one [or two] of her Majesty's justices of the
peace in and for the county [or borough, &c.] of ———
[here describe the offence generally, and the time and place
when and where committed, in the words of this Act, or as
near thereunto as may be], contrary to the Public Health
Act, 1848; and I [or we] do adjudge that the said A. B.
hath forfeited for his said offence the sum of [amount of
penalty adjudged], and that he do pay to C. D. the further
sum of ——— as and for his costs in this behalf.

Given under my hand and seal [or our hands and seals],
the day and year first above written.

(Signed) ——— (L. S.)

———— (L. S.)

SCHEDULE (F.)

Form of Order to permit Execution of Works by Owners.

County of ——— } WHEREAS complaint hath been made
[or borough, &c.] } to me, E. F. esquire, one of her Majes-
to wit. } ty's justices of the peace in and for the
county [or borough, &c.] of ——— by A. B. owner, within
the meaning of the Public Health Act, 1848, of certain
premises, to wit, a house [as the case may be] situate in
—— street [as the case may be] in the parish of ——— in
the said county [or borough, &c.], that C. D., the occupier
of the said premises, doth prevent the said A. B. from
obeying and carrying into effect the provisions of the said
Act in this, to wit, that he the said C. D. doth prevent the

PUBLIC
HEALTH ACT,
1848.

—
Schedule (F.)

said A. B. from [*here describe the works generally, according to circumstances, for instance, thus* : constructing and laying down, in connexion with the said house, a covered drain, so as to communicate with a [sewer or drain] of the local board of health of the district of ——— [*or a sewer, &c.*, which the local board of health of the district of ——— are entitled to use, *as the case may require*], such sewer being within one hundred feet of the said house] : And whereas the said C. D., having been duly summoned to answer the said complaint, and not having shown sufficient cause against the same, and it appearing to me that the said works are necessary for the purpose of enabling the said A. B. to obey and carry into effect the provisions of the said Act, I do hereby order that the said C. D. do permit the said A. B. to execute the same in the manner required by the said Act.

Given under my hand and seal, this ——— day of ——— in the year of our Lord one thousand eight hundred and ———

E. F. (L. S.)

APPENDIX.

No. I.

12 & 13 VICT., CAP. 94.

An Act for confirming certain Provisional Orders of the General Board of Health, and for other Matters relative to the Public Health and the Improvement of Towns and populous Places.

[1st August, 1849.]

WHEREAS the general board of health have, in pursuance of the Public Act, 1848, made, published, and deposited, according to the provisions of the Act, certain provisional orders mentioned in the schedule to this Act annexed, and it is expedient that the said orders should be confirmed: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the provisional orders of the general board of health referred to in the schedule to this Act annexed shall be and the same are hereby confirmed, and shall from and after the passing of this Act be absolute, and be as binding and of the like force and effect as if the provisions of the same had been expressly enacted in this Act.

12 & 13 VICT.
c. 94.

Confirmation
of certain
provisional
orders of
the general
board of
health.

II. And be it enacted, that the first election of the local board of health for the borough of Taunton for the purposes of the said Public Health Act shall take place on the fourteenth day of September in the year of our Lord one thousand eight hundred and forty-nine.

First election
of local board
of health for
Taunton.

III. And be it enacted, that the first election of the

First election

APPENDIX.
—
of local board
for Croydon.

local board of health for the town of Croydon for the purposes of the said Public Health Act shall take place on the twenty-ninth day of August in the year of our Lord one thousand eight hundred and forty-nine.

First election
of local board
for Chatham.

IV. And be it enacted, that the first election of the local board of health for that part of Chatham lying without the liberties and city of Rochester, to wit, Chatham Extra, for the purposes of the said Public Health Act, shall take place on the twenty-ninth day of August in the year of our Lord one thousand eight hundred and forty-nine.

First election
of local board
for Sheerness.

V. And be it enacted, that the first election of the local board of health for the parish of Minster, Isle of Sheppy, for the purposes of the said Public Health Act, shall take place on the twenty-ninth day of August in the year of our Lord one thousand eight hundred and forty-nine.

First election
of local board
for Ware.

VI. And be it enacted, that the first election of the local board of health for the town of Ware, for the purposes of the said Public Health Act, shall take place on the twenty-ninth day of August in the year of our Lord one thousand eight hundred and forty-nine.

First election
of local board
for Uxbridge.

VII. And be it enacted, that the first election of the local board of health for the town of Uxbridge, for the purposes of the said Public Health Act, shall take place on the twenty-ninth day of August in the year of our Lord one thousand eight hundred and forty-nine.

Local boards
of health
may contract
for lighting.

VIII. And whereas it is expedient that the local boards of health for the execution of the Public Health Act, 1848, should be invested with certain powers not included in that Act: Be it therefore enacted, that the local boards constituted under the said Public Health Act

May contract for any period not exceeding three years at any one time with any company or person for the supply of gas or oil, or other means of lighting the streets, roads, and other open places, markets, and public buildings within their respective districts, and may provide such lamps, lamp-posts, and other materials and apparatus as such local boards respectively may think necessary for lighting the same;

And the expenses incurred by any such local board in

so doing shall be defrayed out of the general or special district rates (as the nature of the case may require) levied under the said Public Health Act (a). 12 & 13 Vict. c. 94.

IX. And be it enacted, that every provisional order issued by the general board of health relating to any city, borough, or place, which shall be included under or enumerated in the schedule of any bill for confirming certain provisional orders of the general board of health, shall be printed, and printed copies thereof shall be delivered to the doorkeepers of both houses of parliament, for the use of the members of such houses respectively, before the first reading of such bill. Printed copies of provisional orders to be delivered to both houses of parliament.

X. And be it declared and enacted, that the expression "corporate borough," whenever used in the Public Health Act, 1848, shall be construed to include any city, borough, port, cinque port, or town corporate named in the schedules annexed to an Act passed in the sixth year of the reign of King William the Fourth, intituled, *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, and to any city, borough, port, cinque port, or town corporate incorporated by charter granted or to be granted in pursuance of that or any subsequent Act; and the word "burgesses" wherever used in the said Public Health Act shall be construed to mean citizens in the case of a city. Construction of certain expressions used in the Public Health Act, 1848.

XI. And be it enacted, that this Act shall be deemed to be incorporated with the Public Health Act, Act incorporated with Public Health Act.

(a) *The Expense of Lighting Streets* (see interpretation clause, p. 19) may, by this section, be defrayed out of general and special district rates, as the nature of the case may require; that is, permanent expenses (such as those for plant, works, &c.) must be defrayed out of a special district rate; annual expenses, such as that of actual supply of gas to street lamps, out of a general district rate; such rates, be it remembered, however (see Public Health Act, 1848, sec. 89), may be assessed on either the whole or part of a district; and this latter course will commonly, I take it, be the equitable course, in regard to lighting expenses.

APPENDIX. — and shall be as if this Act and the said Public Health Act were one Act (b).

Short title of this Act.

XII. And be it enacted, that in citing this Act in any other Act of parliament, or in any proceeding, instrument, or document whatsoever, it shall be sufficient to use the word and figures "The Public Health Supplemental Act, 1849."

Act may be amended, &c.

XIII. And be it enacted, that this Act may be amended or repealed by any Act to be passed in the present session of parliament.

SCHEDULE TO WHICH THIS ACT REFERS.

Provisional Orders of the General Board of Health, submitted for the Confirmation of Parliament.

PLACES TO WHICH THE ORDERS APPLY.

Taunton	New Windsor.
Worcester.	Carmarthen.
Ware.	Gloucester.
Sheerness.	Lancaster.
Kendal.	Croydon.
Durham.	Uxbridge.
Leicester.	Coventry.
Chatham.	

(b) As to how several Acts which are directed to be considered as one Act are to be construed, see *Reg. v. Johnson*, 8 Q. B. 102.

13 & 14 VICT., c. 32.

*An Act for confirming certain Provisional Orders of the
General Board of Health.*

[15th July, 1850.]

WHEREAS the general board of health have, in pursuance of the Public Health Act, 1848, made, published, and deposited, according to the provisions of the Act, certain provisional orders mentioned in the schedule to this bill annexed, and it is expedient that the said orders should be confirmed: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the provisional orders of the general board of health referred to in the schedule to this bill annexed shall be and the same are hereby confirmed, and shall from and after the passing of this Act be absolute, and be as binding and of the like force and effect as if the provisions of the same had been expressly enacted in this bill.

Certain
provisional
orders of
general board
of health
confirmed.

II. And be it enacted, that the first election of the local board of health for the borough of Stratford on Avon for the purposes of the said Public Health Act shall take place on the second day of September in the year of our Lord one thousand eight hundred and fifty.

First election
of local board
of health for
Stratford
upon Avon.

III. And be it enacted, that the first election of the local board of health for the town and parish of Dartford for the purposes of the said Public Health Act shall take place on the second day of September in the year of our Lord one thousand eight hundred and fifty.

First election
of local board
for Dartford.

IV. And be it enacted, that the first election of the local board of health for the hamlet of Harrow town and Roxeth in the parish of Harrow for the purposes of the

First election
of local board
for Harrow
town and
Roxeth.

APPENDIX.

said Public Health Act shall take place on the second day of September in the year of our Lord one thousand eight hundred and fifty.

First election
of local board
for Chelms-
ford.

V. And be it enacted, that the first election of the local board of health for the parish of Chelmsford for the purposes of the said Public Health Act shall take place on the second day of September in the year of our Lord one thousand eight hundred and fifty.

Local board
of health for
York may
make rates.

VI. And be it enacted, that the local board of health in and for the city of York, as constituted by the provisional order of the general board of health by this Act confirmed, so often as they shall have occasion to make and levy a rate or rates under the powers conferred upon them by the Public Health Act, 1848, or the said provisional order by this Act confirmed, shall and may order such rate or rates to be made, levied, and collected within the said city as a rate in the nature of a county rate, and in the same manner in all respects as the council of the said city is now authorised to order a borough rate to be made, levied, and collected under the provisions of an Act passed in the sixth year of the reign of King William the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, anything in the said Public Health Act, 1848, as to the mode of making, levying, and collecting any rate or rates under that Act to the contrary notwithstanding.

5 & 6 W. 4,
c. 76.

Act incor-
porated with
Public
Health Act.

VII. And be it enacted, that this Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the Public Health Act were one Act.

Short title of
this Act.

VIII. And be it enacted, that in citing this Act in any other Act of parliament, or in any proceeding, instrument, or document whatsoever, it shall be sufficient to use the words and figures "The Public Health Supplemental Act, 1850."

Act may be
amended, &c.

IX. And be it enacted, that this Act may be amended or repealed by any Act to be passed in the present session of parliament.

SCHEDULE TO WHICH THIS BILL REFERS.

*Provisional Orders of the General Board of Health, submitted
for the Confirmation of Parliament.*

PLACES TO WHICH THE ORDERS APPLY.

Stratford upon Avon.
Dartford.
Newport.
Brecon.
Harrow.

Derby.
Dover.
Chelmsford.
York.

APPENDIX.

13 & 14 VICT., c. 90.

An Act to confirm certain Provisional Orders of the General Board of Health, and for certain other Purposes in relation to the Public Health Act, 1848.

[14th August, 1850.]

Certain
provisional
orders of
general board
of health
confirmed.

WHEREAS the general board of health have, in pursuance of the Public Health Act, 1848, made, published, and deposited, according to the provisions of the Act, certain provisional orders mentioned in the schedule to this bill annexed, and it is expedient that the said orders should be confirmed: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the provisional orders of the general board of health referred to in the schedule to this bill annexed shall, so far as the same are authorised by the said Public Health Act (c), be and the same are hereby confirmed, and shall, from and after the passing of this Act, be absolute, and be as binding and of the like force and effect as if the provisions of the same had been expressly enacted in this bill.

First election
of local
board of
health for
Ashby de la
Zouch.

II. And be it enacted, that the first election of the local board of health for the district of Ashby de la Zouch for the purposes of the said Public Health Act shall take place on the second day of September in the year of our Lord one thousand eight hundred and fifty.

First election
of local board

III. And be it enacted, that the first election of the

(c) The words "so far as the same are authorised by the said Public Health Act," were first introduced into this confirmatory Act. This enactment is not at variance with the 10th sec., which refers to the confirmation by parliament of the provisional orders.

local board of health for the district of Sandgate for the purposes of the said Public Health Act shall take place on the second day of September in the year of our Lord one thousand eight hundred and fifty.

13 & 14 Vict.
c. 90.
—
of health
for Sandgate.

IV. And be it enacted, that whenever under the provisions of the Public Health Act, 1848, any bill has been or shall be brought into parliament for the confirming of any provisional order of the general board of health, a copy or copies of every order included in the schedule of such bill shall be furnished by the said general board to all parties applying for the same between the hours of eleven and five at the office of the said general board, or by letter addressed to the said board, on payment by such parties of the cost of making or furnishing such copy or copies.

General
board to
furnish copies
of provisional
orders to
parties re-
quiring the
same.

V. And be it enacted, that the general board of health may, whenever it shall see fit, by order under their hands and official seal, direct and appoint any day or days for the first election or selection of any local board of health other than the day or days fixed for such first election by any order in council or by this or any other Act for confirming any provisional order or orders by the said general board; and that the said general board shall cause notice of the day so directed and appointed by them for such first election or selection to be affixed on the doors of the principal churches, chapels, public buildings, and places where public notices are usually affixed within the district for which such election or selection is to be made, at least twenty-one days before the day so fixed and appointed for such election or selection, as the case may be.

General
board may
appoint days
for first
elections of
local boards,
&c.

VI. And be it enacted, that this Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the Public Health Act were one Act.

Act incorpo-
rated with
Public
Health Act.

VII. And be it enacted, that in citing this Act in any other Act of parliament, or in any proceeding, instrument, or document whatsoever, it shall be sufficient to use the words and figures "The Public Health Supplemental Act, 1850 (No. 2)."

Short title of
this Act.

APPENDIX. VIII. And be it enacted, that this Act may be amended
Act may be or repealed by any Act to be passed in the present ses-
amended, &c. sion of parliament.

SCHEDULE TO WHICH THIS BILL REFERS.

*Provisional Orders of the General Board of Health, submitted
for the Confirmation of Parliament.*

Wigan.
Preston.
Wolverhampton.

Ashby de la Zouch.
Sandgate.
Swansea.

13 & 14 VICT., c. 108.

*An Act for confirming certain further Provisional Orders of
the General Board of Health.*

[15th August, 1850.]

WHEREAS the general board of health have, in pursuance of the Public Health Act, 1848, made, published, and deposited, according to the provisions of that Act, certain provisional orders mentioned in the schedule to this Act annexed, and it is expedient that the said orders should be confirmed: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the provisional orders of the general board of health referred to in the schedule to this Act annexed shall, so far as the same are authorised by the said Public Health Act, be and the same are hereby confirmed, except as to the clause numbered 3, in the provisional order for Tormoham otherwise called Tor Mohun in the county of Devon, and shall from and after the passing of this Act be absolute, and be as binding and of the like force and effect as if the provisions of the same had been expressly enacted in this Act.

Certain provisional orders of general board of health confirmed.

II. And be it enacted, that the first election of the local board of health for the parish of Holbeach, for the purposes of the said Public Health Act, shall take place on the twenty-fifth day of September in the year of our Lord one thousand eight hundred and fifty.

First election of local board for Holbeach.

III. And be it enacted, that the first election of the local board of health for the parish of Tormoham otherwise called Tor Mohun in the county of Devon, for the purposes of the said Public Health Act, shall take place on the twenty-fifth day of September in the year of our Lord one thousand eight hundred and fifty, and that one

First election of local board for Tormoham.

APPENDIX

third of the local board for the said district shall go out of office on the first day of March one thousand eight hundred and fifty, and thenceforward yearly on the first day of March, unless the day so appointed shall fall on a Sunday or on a day appointed for public fast or thanksgiving, when such one-third shall go out of office on the day following, anything in the said provisional order to the contrary notwithstanding.

First election
of local board
for Darlington.

IV. And be it enacted, that the first election of the local board of health for the township of Darlington, for the purposes of the said Public Health Act, shall take place on the twenty-fifth day of September in the year of our Lord one thousand eight hundred and fifty.

First election
of local board
for Exmouth.

V. And be it enacted, that the first election of the local board of health for the town of Exmouth, for the purposes of the said Public Health Act, shall take place on the twenty-fifth day of September in the year of our Lord one thousand eight hundred and fifty.

First election
of local board
for townships
of Alnwick and
Canongate.

VI. And be it enacted, that the first election of the local board of health for the townships of Alnwick and Canongate, for the purposes of the said Public Health Act, shall take place on the twenty-fifth day of September in the year of our Lord one thousand eight hundred and fifty.

First election
of local board
for the
borough of
Llanelly.

VII. And be it enacted, that the first election of the local board of health for the borough of Llanelly, for the purposes of the said Public Health Act, shall take place on the twenty-fifth day of September in the year of our Lord one thousand eight hundred and fifty.

First election
of local board
for Launceston.

VIII. And be it enacted, that the first election of the local board of health for the borough of Launceston, and so much of the adjoining parishes of Saint Thomas the Apostle and Saint Stephen as are included in the district formed for the purposes of the Public Health Act, 1848, shall take place on the twenty-fifth day of September in the year of our Lord one thousand eight hundred and fifty.

First election
of local board
for Reading.

IX. And be it enacted, that the first election of the local board of health (for the purposes of main sewerage only) for the district consisting of the borough of

Reading and the hamlet of Whitley in the parish of St. Mary, adjoining the said borough, shall take place on the twenty-fifth day of September in the year of our Lord one thousand eight hundred and fifty.

13 & 14 VICT.
c. 108.

X. And be it enacted, that the first election of the local board of health for the parish of Burslem, for the purposes of the said Public Health Act shall take place on the twenty-fifth day of September in the year of our Lord one thousand eight hundred and fifty.

First election
of local board
for Burslem. ;

XI. And be it enacted, that the first election of the local board of health for the district of Watford, for the purposes of the said Public Health Act, shall take place on the twenty-fifth day of September in the year of our Lord one thousand eight hundred and fifty.

First election
of local board
for Watford.

XII. And be it enacted, that this Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the Public Health Act were one Act.

Act incor-
porated with
Public Health
Act.

XIII. And be it enacted, that in citing this Act in any other Act of parliament, or in any proceeding, instrument, or document whatsoever, it shall be sufficient to use the words and figures "The Public Health Supplemental Act, 1850 (No. 3)."

Short title of
this Act.

XIV. And be it enacted, that this Act may be amended or repealed by any Act to be passed in the present session of parliament.

Act may be
amended, &c.

APPENDIX

SCHEDULE TO WHICH THIS ACT REFERS.

*Provisional Orders of the General Board of Health, submitted
for the Confirmation of Parliament.*

PLACES TO WHICH THE ORDERS REFER.

Carlisle.	Southampton.
Alnwick.	Berwick upon Tweed.
Cardiff.	Tewkesbury.
Newcastle under Lyme.	Holbeach.
Exmouth.	Tormoham.
Darlington.	Launceston.
Llanelli.	Burslem.
Watford.	Reading.

14 & 15 VICT., c. 80.

An Act for confirming a certain Provisional Order of the General Board of Health for applying the Public Health Act, 1848, to the Borough of Great Yarmouth in the County of Norfolk.

[7th August, 1851.]

WHEREAS the general board of health have, in pursuance of the Public Health Act, 1848, made, published, and deposited, according to the provisions of the Act, a certain provisional order mentioned in the schedule to this Act annexed, and it is expedient that the said order should be confirmed: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same,

I. That the provisional order of the general board of health referred to in the schedule to this Act annexed, applying the Public Health Act, 1848, to the borough of Great Yarmouth in the county of Norfolk, shall be and the same is hereby confirmed, so far as it is authorised by the Public Health Act, and shall from and after the passing of this Act be absolute, and be as binding and of the like force and effect as if the provisions of the same order had been expressly enacted in this Act.

Confirming
provisional
order of the
general board
of health.

II. And whereas a portion of the borough of Great Yarmouth, named in the schedule of this Act, is situate within the county of Suffolk, and doubts may arise in respect of the extent of the district constituted by the provisional order for the said borough referred to in the said schedule: Be it hereby and it is hereby declared, that the said district is confined to so much of the said borough as is situate within the county of Norfolk, and that none of the powers, authorities, and duties to be

Limitation of
Act to that
part of Great
Yarmouth in
the county of
Norfolk.

APPENDIX. — exercised and fulfilled under or by virtue of the Public Health Act, 1848, or the said order, shall be exercised and fulfilled under or by virtue of the said order and this Act beyond the boundaries of that part of the said borough which is contained in the county of Norfolk.

Act incorporated with Public Health Act. III. And be it enacted, that this Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the said Public Health Act were one Act.

Short title of this Act. IV. And be it enacted, that in citing this Act in any other Act of parliament, or in any proceeding, instrument, or document whatsoever, it shall be sufficient to use the words and figures "The Public Health Supplemental Act for Great Yarmouth, 1851."

SCHEDULE TO WHICH THIS ACT REFERS.

Provisional Order of the General Board of Health, submitted for the Confirmation of Parliament.

Great Yarmouth.

14 & 15 VICT., c. 98.

*An Act for confirming certain Provisional Orders of the
General Board of Health.*

[7th August, 1851.]

WHEREAS the general board of health have, in pursuance of the Public Health Act, 1848, made, published, and deposited, according to the provisions of the Act, certain provisional orders mentioned in the schedule to this Act annexed, and it is expedient that the said orders should be confirmed: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same,

I. That the provisional orders of the general board of health referred to in the schedule to this Act annexed shall be and the same are hereby confirmed, so far as they are authorised by the Public Health Act, and shall, from and after the passing of this Act be absolute, and be as binding and of the like force and effect as if the provisions of the same had been expressly enacted in this Act.

Confirming
provisional
orders of the
general board
of health.

II. Provided always, and be it enacted, that nothing in this Act or in the schedule thereto contained shall be construed, deemed, and taken to confirm or give effect to any part of the provisional order made for the borough of Hastings, so far as such order extends to or includes or purports to affect and embrace the town of Saint Leonard, or any part of the district comprised in and under the jurisdiction of the commissioners appointed by and acting in the execution of an Act (local and personal) of the second year of King William the Fourth, chapter forty-five, intituled *An Act for better paving, lighting, watching, and otherwise improving the town of Saint Leonard in the county of Sussex*; and, notwithstanding

Provisional
order as to
Hastings not
to extend to
St. Leonard.

APPENDIX.

anything in the said provisional order contained, the mayor, aldermen, and burgesses of the said borough shall be, by the council of the said borough, the local board of health under the Public Health Act, 1848, for the district of Hastings as defined by this Act instead of the local board of health named or described in the said provisional order.

Number of
members of
local board of
health of
Morpeth.

III. And be it enacted, that the number of persons to be elected members of the local board of health for the district of Morpeth under the provisional order applying the Public Health Act, 1848, to that district, and this Act, by owners of and ratepayers in respect of property situate within the parish of Bedlington, being part of the said district, shall be six, instead of three as fixed by the said provisional order, and that one-third of such members shall go out of office annually, as provided by the said Public Health Act, and that the said provisional order shall be altered accordingly.

First election
of local board
for Morpeth.

IV. And be it enacted, that the first election of the local board of health for the parliamentary borough of Morpeth, for the purposes of the said Public Health Act, shall take place on the seventeenth day of September in the year of our Lord one thousand eight hundred and fifty-one.

First election
of local board
for Sherborne.

V. And be it enacted, that the first election of the local board of health for the district of Sherborne, for the purposes of the said Public Health Act, shall take place on the seventeenth day of September in the year of our Lord one thousand eight hundred and fifty-one.

First election
of local board
for Bridgend.

VI. And be it enacted, that the first election of the local board of health for the district of Bridgend, for the purposes of the said Public Health Act, shall take place on the seventeenth day of September in the year of our Lord one thousand eight hundred and fifty-one.

First election
of local board
for Bryn
Mawr.

VII. And be it enacted, that the first election of the local board of health for the district of Bryn Mawr, for the purposes of the said Public Health Act, shall take place on the seventeenth day of September in the year of our Lord one thousand eight hundred and fifty-one.

VIII. And be it enacted, that the first election of the local board of health for the district of Margate, for the purposes of the said Public Health Act, shall take place on the seventeenth day of September in the year of our Lord one thousand eight hundred and fifty-one.

14 & 15 VICT.
c. 98.

First election
of local board
for Margate.

IX. And be it enacted, that the first election of the local board of health for the district of Newmarket, for the purposes of the said Public Health Act, shall take place on the seventeenth day of September in the year of our Lord one thousand eight hundred and fifty-one.

First election
of local board
for New-
market.

X. And be it enacted, that the first election of the local board of health for the district of Romford, for the purposes of the Public Health Act, shall take place on the seventeenth day of September in the year of our Lord one thousand eight hundred and fifty-one.

First election
of local board
for Romford.

XI. And be it enacted, that the first election of the local board of health for the town of West Cowes, for the purposes of the said Public Health Act, shall take place on the fourth day of September in the year of our Lord one thousand eight hundred and fifty-one.

First election
of local board
for West
Cowes.

XII. And be it enacted, that every treasurer, clerk, surveyor, and other officer acting under any local Act, recited in the provisional order for the city and county of Bristol referred to in the schedule of this Act, any part of which is repealed by the said order, whose office shall, by reason of the transfer of the powers of the commissioners to the local board, be wholly or in part superseded and rendered unnecessary, or who shall at any time within the space of three years next after the passing of this Act, except for misconduct, be removed wholly or in part from such office, and not be employed and retained in an office of equal value, by the local board of health for the said city and county of Bristol, shall be entitled to have an adequate compensation for the profits, salary, and emoluments of his office which he shall cease to hold; the said compensation to be by way of annuity or otherwise, and to be assessed by the commissioners of her Majesty's treasury upon the report of the said local board of health, to be made within three months after any such person shall have been superseded in his office, founded upon a declaration made by such per-

Compensation to
officers under
local Acts of
city and
county of
Bristol who
may be re-
moved.

APPENDIX.

son, setting forth the salary, profits, and emoluments derived by him and his predecessors for every year during a period of five years next before the day when he shall have ceased to hold such office, and such other evidence as the said local board of health may require as to the amount, nature, and particulars of such profits; and in assessing the same regard shall be had to the manner of his appointment to such office, and his term therein; and the said local board of health shall from time to time pay to the person entitled to compensation, out of any special or general district rates, in their discretion, the money which shall upon such report, and any appeal or reclamation against the same, be finally awarded by the commissioners of her Majesty's treasury as the same shall become due and be payable.

Act incorporated with
Public Health
Act.

XIII. And be it enacted, that this Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the said Public Health Act were one Act.

Short title of
this Act.

XIV. And be it enacted, That in citing this Act in any other Act of parliament, or in any proceeding, instrument, or document whatsoever, it shall be sufficient to use the words and figures "The Public Health Supplemental Act, 1851, No. 2."

SCHEDULE TO WHICH THIS BILL REFERS.

Provisional Orders of the General Board of Health, submitted for the Confirmation of Parliament.

PLACES TO WHICH THE ORDERS REFER.

Morpeth.
Bristol.
Beverley.
Sherborne.
Bridgend.
Bryn Mawr.
Norwich.
Gateshead.
Doncaster.
West Cowes.

Margate,
The Borough of Weymouth and Melcombe Regis.
Newmarket.
Romford.
Tenby.
Kingston-upon-Hull.
Hartlepool.
Hastings.

14 & 15 VICT., c. 108.

An Act to confirm certain Provisional Orders of the General Board of Health.

[8th August, 1851.]

WHEREAS the general board of health have, in pursuance of the Public Health Act, 1848, made, published, and deposited, according to the provisions of that Act, certain provisional orders mentioned in the schedule to this Act annexed; and it is expedient that the said orders should be confirmed: Be it therefore enacted by the Queen's most excellent Majesty by and with the advice and consent of the lords spiritual and temporal, and commons, in the present parliament assembled, and by the authority of the same,

I. That the provisional orders of the general board of health referred to in the schedule to this Act annexed shall, from and after the passing of this Act, so far as they are authorised by the Public Health Act, be absolute, and be as binding and of the like force and effect as if the provisions of the same had been expressly enacted in this Act. Certain provisional orders of the general board of health confirmed.

II. And be it enacted, that the first election of the local board of health for the district of Alfreton in the county of Derby, for the purposes of the said Public Health Act, shall take place on the thirteenth day of September in the year of our Lord one thousand eight hundred and fifty-one. First election of local board for Alfreton.

III. And be it enacted, that the first election of the local board of health for the district of March in the Isle of Ely, for the purposes of the said Public Health Act, shall take place on the thirtieth day of September in the year of our Lord one thousand eight hundred and fifty-one. First election of local board for March.

APPENDIX.

First election
of additional
members of
local board
for Barnard
Castle.

IV. And be it enacted, that the first election of the three persons to be elected for the township of Startforth, and to form part of the local board of health for the district of Barnard Castle, for the purposes of the said Public Health Act, shall take place on the thirtieth day of September in the year of our Lord one thousand eight hundred and fifty-one.

Halifax
waterworks
to be ap-
praised,
valued, and
paid for.

V. And whereas the town council of the borough of Halifax are now acting in the execution of an Act passed in the fourth year of the reign of King George the Fourth, intituled *An Act for paving, lighting, cleansing, watching, and improving, the township of Halifax, and for supplying the same with water*: And whereas under the said Act the said council are now owners of certain springs and waterworks belonging to the said township, and have incurred a certain debt in respect of the said waterworks; and it is expedient that the benefit of the said waterworks and springs shall be extended to the whole of the borough of Halifax to which the Public Health Act is applied by the provisional order referred to in the schedule to this Act annexed, and that such springs and waterworks should become the property of the local board constituted by that order and the Act of parliament confirming the same: Be it enacted, that forthwith after the passing of this Act the said springs and waterworks shall be appraised and valued by a competent person to be nominated by the said council and to be approved by the general board of health; and that it shall be lawful for the said council to borrow on mortgage of the water rates under the said Public Health Act, with the consent of the said general board, the sum at which such waterworks and springs shall be so appraised and valued, and out of such moneys first to pay off and discharge any debt now due and owing by such council in respect of such waterworks and any interest due thereon, and to apply the residue of such moneys in improving the said township under so much of the said local Act as remains unrepealed by the said provisional order.

Act incorpo-
rated with
Public Health
Act.

VI. And be it enacted, that this Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the Public Health Act were one Act.

VII. And be it enacted, that in citing this Act in any other Act of parliament, or in any proceeding, instrument, or document whatsoever, it shall be sufficient to use the words and figures "The Public Health Supplemental Act, 1851, No. 3." ^{14 & 15 Vict. c. 108.} ^{Short title of this Act.}

SCHEDULE TO WHICH THE FOREGOING ACT REFERS.

Tynemouth.
Barnard Castle.
March.

Halifax.
Ware.
Alfreton.

FORM OF THE PRIMARY ADDRESS
OF THE
CROYDON LOCAL BOARD OF HEALTH,
TO THE
INHABITANTS OF THE DISTRICT.

THE board, in entering upon the important duties entrusted to them by the ratepayers, have earnestly to request the co-operation of their fellow-parishioners. They invite suggestions, and solicit information; and their officers will give immediate attention to any subject directly or indirectly connected with the public health.

(The next paragraphs within brackets relate to the cholera, which then was existing in the town.)

[A disease, deadly if neglected, but easily remedied if promptly attended to when the first symptoms occur, has paid its awful visitation to this and other towns; and it behoves all persons to concur in the efforts of the board to retard its progress—dismiss it from our locality—and effectually prevent its return.

[The first step recommended by the board is, that the poorer classes, and particularly those dwelling in the more badly-drained districts, should be kindly but earnestly urged to attend to the printed advice issued by the guardians, and particularly to the advice that they should ask for medicine from one of the visiting medical officers appointed by the guardians, *immediately* that any derangement of the bowels is perceived—however slight this may be. And if poor persons are attacked with severe symptoms, they should be recommended at once to avail themselves of the privilege of being removed to the temporary hospital, at ———, where they will have the benefit of the best medical treatment, with more comforts and more chance of recovery, than they can possibly have in small and unhealthy cottages. A car-

riage and attendants are ready at ———, for their careful removal.]

The board also solicit the co-operation of the parishioners in energetic but cautious measures for removal of filth and dirt, and for the promotion of cleanliness. Among other steps for this purpose, they have appointed Mr. ——— as the inspector of nuisances, and have placed at his disposal a supply of lime; so that where noxious accumulations of decomposing matter cannot, at this warm season, be safely removed, their unwholesome exhalations may, as much as possible, be prevented.

The board are, moreover, prepared to cleanse and lime-wash all foul and unwholesome buildings, at the charge of the owners, and to adopt every other useful, temporary expedient.

The board believe, however, that until the formation of a complete system of sewerage and water supply, (to which they are directing their attention,) all other measures can be productive of only partial and temporary good.

Communications for the board may be made to Mr. ———, at his offices.

The board have now to require the attention of several parties in the parish to the clauses in the Public Health Act, immediately affecting them, in order to prevent their incurring penalties, and obstructing the progress of the board.

The owners and tenants of all small tenements in the parish of Croydon, are required, forthwith, to adopt such reasonable measures for cleansing such places, and for improving the health of their inmates, as the medical officers, or the inspector of nuisances, may suggest; as, otherwise, that duty must be performed, at the expense of such owners and tenants, by the officers of the board. Such owners and tenants are also informed that, by the 59th and 60th sections of the Act it is enacted that whosoever

“ Keeps any swine or pig-stye in any dwelling-house,
“ or so as to be a nuisance to any person,—

“ Or suffers any waste or stagnant water to remain in
“ any cellar or place within any dwelling-house
“ for twenty-four hours after written notice to him
“ from the local board of health to remove the
“ same,—

“ And whosoever allows the contents of any water-

“ closet, privy, or cesspool, to overflow or soak therefrom,—

“ Shall, for every such offence, be liable to a penalty not exceeding forty shillings, and to a further penalty of five shillings for every day during which the offence is continued :

“ And the said local board shall abate or cause to be abated every such nuisance, and the expenses incurred by them in so doing shall be repaid to them by the occupier of the premises upon which the same exists, and be recoverable from him in the summary manner hereinafter provided :

“ And if at any time it appear to the inspector of nuisances that any accumulation of manure, dung, soil, or filth, or other offensive or noxious matter whatsoever, ought to be removed, he shall give notice to the person to whom the same belongs, or to the occupier of the premises whereon it exists, to remove the same ; and if at the expiration of twenty-four hours after such notice the same be not complied with, the manure, dung, soil, or filth, or matter referred to, shall be vested in and be sold or disposed of by the said local board, and the proceeds thereof shall be carried to the district fund account hereinafter mentioned :

“ And if upon the certificate of the officer of health (if any), or of any two medical practitioners, it appear to the local board of health—

“ That any house, or part thereof, is in such a filthy or unwholesome condition that the health of any person is affected or endangered thereby,—

“ Or that the whitewashing, cleansing, or purifying of any house, or part thereof, would tend to prevent or check infectious or contagious disease,—

“ The said local board shall give notice in writing to the owner or occupier of such house, or part thereof, to whitewash, cleanse, and purify the same, as the case may require ;

“ And if the person to whom notice is so given fail to comply therewith within such time as shall be specified in the said notice, he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default ; and the said local board may, if they shall think fit, cause such house, building, or part thereof, to be whitewashed, cleansed,

“or purified, and the expenses incurred by them in so doing shall be repaired by the owner or occupier in default, and be recoverable from either of them in the summary manner hereinafter provided.”

The owners and tenants of all common lodging houses in the parish of ——— are informed that, under the provisions of the said Act, a register book will be provided on and after ——— next, at the office of the local board, at Mr. ———’s between the hours of eleven and three, in which the keepers of all such common lodging houses are required forthwith to register the same; and that whoever shall receive lodgers in such lodging houses without having previously entered on the said book the names of the keepers, and the situation of such house or houses, will be subject (under clause 66) to a penalty of forty shillings for every offence.

The owners and tenants of all slaughter houses in the parish of ——— are also informed, that a book will be provided at the office aforesaid, at and after the time, and between the hours aforesaid, in which the occupier of any building or place occupied as a slaughter house must, under the provisions of the said Act, forthwith register the same.

The Act providing by section 61, that whosoever uses or suffers to be used, any building or place as a slaughter house, without its being registered, as required by this Act, shall be liable for every such offence to a penalty not exceeding five pounds.

Builders of houses in the parish of ——— are also informed that the 53rd section of the said Act imposes a penalty of fifty pounds upon any person who shall begin to dig or lay out the foundation of or for any new house, or to rebuild any house pulled down to, or below the floor commonly called the ground floor, without giving to the local board of health previous written notice, with the level or intended level of the cellars, or lowest floor, and the situation and construction of the privies and cesspools to be constructed or used in connexion with such house, and without obtaining the approval of the board of such particulars. And the board have power, at the expense of the party offending, to alter or pull down, or otherwise deal with, the house, privies, or cesspools, not so notified to and approved of by them.

The layers-out of new streets, roads, and ways, in the

236 *Croydon Local Board of Health.*

parish of ———, are also informed that the 72nd section of the said Act imposes a penalty of twenty pounds per day upon any person who shall lay out, or make, or build upon any street, highway, road, public bridge lane, footway, square, court, alley, or passage, (whether a thoroughfare or not,) without previous notice to the said local board of health, and the approval by them of the level and width of such street, highway, road, &c.

The board take this opportunity of announcing that in enforcing the large and searching powers and directions of the Public Health Act, they shall be always desirous of avoiding, as much as possible, any compulsorv interference with the management of property, and any unnecessary intrusion on the privacy of the parishioners. But that extensive inspection and inquiry will be unavoidable, since the state of the drainage of every house must be ascertained, in order to be rendered perfect. Interference, however, and compulsion will, in every case, be less in proportion as the parishioners shall themselves kindly co-operate in bringing about that better state of sanitary arrangement which the Act requires, and which is so essential to the public health and welfare.

Signed by all the members of the board.

APPENDIX, No. II.

Water Rates.—Sec. 93, p. 144.

THE mode directed by this section of apportioning a water rate, if taken in its literal sense, would be productive of considerable injustice, since to assess a water rate upon the principle directed in ss. 88, 93 (see pp. 135, 144), for apportioning general and special district rates, would be a very unequal and, practically, most difficult mode, as in many cases the consumption of water in small cottages is at least equal to many a far more highly assessed house and lands. The metropolitan water companies have found the impossibility of carrying out such a system of imposing their water rates, and they therefore adopt the plan of charging according to the number of the rooms contained in a house. These charges are as follows for low service (Appendix to Report of General Board of Health, 1850, on Water Supply):

No. of Rooms	New River Company.	E. London Company.	Southwark Company.	Lambeth Company.	Grand Junction Company.	Kent Company.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	4s. to 5s. per room.
1	" " "	" " "	" " "	0 4 0	" " "	
2	0 6 0	" " "	" " "	0 7 0	" " "	
3	0 9 0	" " "	" " "	0 10 0	" " "	
4	0 12 0	1 2 0	0 14 0	0 14 0	1 0 0	
5	" " "	1 5 0	" " "	0 17 6	" " "	
6	1 4 0	1 8 0	1 1 0	1 1 0	1 5 0	
7	" " "	1 11 0	" " "	above six	" " "	
8	1 12 0	1 18 0	" " "	rooms, 5s.	" " "	
9	" " "	2 2 0	" " "	per cent.	" " "	
10	2 0 0	2 10 0	1 15 0	on the	1 18 0	
		above	to	annual		
		5s. per	2 5 0	value.		
		room.				
12	" " "	" " "	2 2 0	" " "	2 5 0	
16	" " "	" " "	2 16 0	" " "	3 5 0	
Single coach house	" " "	" " "	" " "	" " "	0 10 0	
Stables, per stall	" " "	" " "	" " "	" " "	0 5 0	

The following is a list of the trades and manufactories

which are considered by the East London Water Works Company as subject to an extra charge, in respect of their consumption of water (Report on Met. Supply of Water, by General Board of Health, 1850, Appendix No. 1, p. 18):

Baker.	Gas Works.
Basket Maker.	Laundry.
Brewer.	Livery Stables.
Butcher.	Orchill Manufacturer.
Chemist.	Potato Dealer and Washer.
Currier.	Publican.
Cowkeeper.	Scourer.
Colour Manufacturer.	Soapboiler.
Distiller.	Slaughterman.
Dyer.	Sugar Refiner.
Fellmonger.	Steam Engine Maker.
Fishmonger.	Tripe Boiler.
Gardener.	Watering House.

And others requiring a quantity of water beyond the ordinary supply of private houses. Baths and wash-houses and charitable institutions are supplied at half rates.

The following is the scale of rate for large consumers as adopted by the same Water Company :

Quantity of Water.	Per 1000 Barrels.	Amount of Rate.
	£. s. d.	£. s. d.
5,000 barrels	1 17 0	9 5 0
10,000 "	1 16 0	18 0 0
15,000 "	1 15 0	26 5 0
20,000 "	1 14 0	34 0 0
30,000 "	1 13 0	49 10 0
40,000 "	1 12 0	64 0 0
50,000 "	1 11 0	77 10 0
60,000 "	1 10 0	90 0 0
70,000 "	1 9 0	101 10 0
80,000 "	1 8 0	112 0 0
90,000 "	1 7 0	121 10 0
100,000 "	1 6 0	130 0 0
150,000 "	1 5 0	187 10 0
200,000 "	1 4 0	240 0 0
250,000 "	1 3 0	287 10 0
300,000 "	1 2 0	330 0 0
400,000 "	1 1 0	420 0 0

A local board of health has several facilities given them by the Act, by which they can aid the poor in

their supply of water; thus, by section 95, they may compound with the *owners* of cottages of not exceeding ten pounds per annum rent, and may reduce the assessments of such cottages not exceeding one-third or less than one-fifth. Again, by section 96, they may reduce or remit the payment of any rate on account of the poverty of the person liable to the payment of the rate. Again, by section 89, they may divide the district or any street therein, for all or any or either of the purposes of this Act, and make a separate assessment upon any such part; for instance, they may divide all the houses in their district into as many districts as they may deem reasonable "for all or any or either of the purposes of this Act;" so that they may, for instance, thus classify all the houses rated into 5*l.* houses, and under; 20*l.* houses, and under 50*l.* houses; or under 110*l.* houses, and so on, and levy upon each district of houses such a rate or separate rates as may do justice to every water consumer. The subject, at Croydon, underwent a long and most serious attention, and after much anxious consideration the following scale of water was adopted. It is directed by the Act to be paid in advance.

On Premises Assessed.	In the Special District Rate Assessment.		Water Rate.		Water Rate.	
	Above	And not exceeding	Per Week.		Per Annum.	
	£. s. d.	£. s. d.	£. s. d.		£. s. d.	
"	" i. "	5 10 0	0 0 1		0 4 4	
"	5 10 0	8 10 0	0 0 1½		0 5 0	
"	8 10 0	10 0 0	0 0 1½		0 6 0	
"	10 0 0	12 0 0	0 0 1½		0 7 0	
"	12 0 0	15 0 0	0 0 1½		0 8 0	
"	15 0 0	20 0 0	0 0 2½		0 9 0	
"	20 0 0	25 0 0	0 0 2½		0 10 0	
"	25 0 0	30 0 0	0 0 2½		0 11 0	
"	30 0 0	35 0 0	0 0 2½		0 12 0	
"	35 0 0	40 0 0	0 0 3		0 13 0	
"	40 0 0	45 0 0	0 0 3½		0 14 0	
"	45 0 0	50 0 0	0 0 3½		0 15 0	
"	50 0 0	55 0 0	0 0 3½		0 16 0	
"	55 0 0	60 0 0	0 0 3½		0 17 0	
"	60 0 0	70 0 0	0 0 4½		0 19 0	
"	70 0 0	80 0 0	0 0 4½		1 1 0	
"	80 0 0	90 0 0	0 0 5½		1 3 0	
"	90 0 0	100 0 0	0 0 5½		1 5 0	
"	100 0 0	120 0 0	0 0 6½		1 9 0	
"	120 0 0	140 0 0	0 0 7½		1 13 0	
"	140 0 0	160 0 0	0 0 8½		1 17 0	
"	160 0 0	180 0 0	0 0 9½		2 1 0	
"	180 0 9	200 0 0	0 0 10½		2 5 0	

The above rate is for water for domestic use and for cleansing the drains. Parties using water for manufacturing or other purposes than those above specified, will be charged by special agreement.

The Average Consumption of Water by an Urban Population.—The General Board of Health have reported on a block of 1200 houses in Earl Street, on Lord Portman's estate, near the Regent's Park, in London, the average being middle-class houses; the drainage of these was through one main sewer, and was hourly gauged with rigid accuracy. The sewers were of brick; through these the average daily discharge per house was $44\frac{1}{2}$ gallons; the average daily consumption of water per house, as ascertained by gaugings of the cisterns and water balls, was however found to be $51\frac{1}{2}$ gallons. It thus appeared that about one-eighth of the water consumed was lost by filtration through the permeable brick house drains. The average number of inhabitants per house in this block of 1200 houses was found to be rather more than 9 to each house, and the consumption of water was therefore 5.7 gallons per head per diem (Report on Water Supply, 1850, p. 120).

In observations made on about 380 houses, draining into a 12-inch pipe, laid along the towing path of the Regent's Canal, near the Caledonian Road, it was ascertained (*ibid.* p. 123), that the greatest depth of water in the 12-inch pipe during these experiments was 3 inches, but little more than one-third of its sectional area. The difference of the flow on water days (the houses having an intermittent supply) and on other days was very considerable. It was on January 10 and 12, 1850, being water days, in 24 hours per house 85 and 104 gallons—on January 10 and 14, not being water days, 50 and 40 gallons per day.

The consumption of water by 4094 dwelling houses in Ashton-under-Lyne, was ascertained by J. R. Coult-hardt, the supply being constant and unlimited (Report on Water Supply to Metropolis, General Board of Health, 1850, Appendix 3, p. 214).

Total average consumption weekly :

Per house . . .	272.98 gallons.
Per head . . .	49.63 „
Daily per house . .	38.99 „
Daily per head . . .	7.09 „

Average quality of Water obtained from different sources.—The General Board of Health had 424 different specimens of water from different parts of the country tested: they found that, in respect to hardness (Report on Supply of Water to Metropolis, 1850, p. 85),

- 1.—264 specimens from wells and springs had an average hardness of 25.86
- 2.—111 specimens from rivers and brooks 13.05
- 3.—49 specimens from land and surface drainage 4.94

Professor Clark, in his evidence before the Commissioners of Inquiry into the state of large Towns, in June, 1843, stated several things of practical importance: he explained that degrees of hardness means the hardness which would be produced by the presence of so many grains of chalk per gallon of water; for instance, water of 10 degrees of hardness means the hardness which would be produced by the presence of 10 grains of chalk per gallon.

He stated that the water from pipes he was accustomed to use at Aberdeen was of 1 degree of hardness; that of the water companies of London he found ranged between 11 and 16 degrees of hardness; the pipe water of Edinburgh about 5 degrees; that of Newcastle-on-Tyne about the same; that of Glasgow $4\frac{1}{2}$ degrees. The waters of Paris are, he had found, very hard; that of the New River Company from 12 to 13 degrees; that of the Vauxhall Water Company's water 13.5; of the Thames, at Mortlake (May, 1841), 14.4 degrees. He thought, by lengthened exposure to the air water was softened two or three degrees, and that this would account for slight differences, in this respect, in water from the same source at different seasons—thus, the East London Company's water was 16.1 degrees in May, 1841, but when taken from their pipes in the following August, it was 14.1 degrees of hardness. He found by boiling that the hardness of water was reduced in about the same ratio as in his patent process of softening water by the addition of lime; but then he found, as Professor Way did, afterwards, that water, whose hardness is owing to the presence of bi-carbonate of lime, required two or three hours boiling to soften it. This may perhaps account for the different effect of boiling observed by the Professor in the case of different specimens of New River water. He found, in 1841,—

May.—Water boiled at the Tavistock Hotel, Covent Garden, possessed degrees of hardness		7.1
July 31.—The same		6
Aug. 1.—The same		7.4
,, 2.—The same		4.8

Aug. 16.—Bedford Hotel, Covent Garden . . .	2.9
„ Hummums Hotel, ditto . . .	6.8
„ Private Family, ditto . . .	3
„ Private family, Charlotte Street, Bedford Square . . .	4

The annual consumption of soap throughout England, Wales, and Scotland, he found, per each individual of the population, $7\frac{1}{2}$ lbs. or 3s. 4d. in value. In London the average he found to be double this, or about 6s. 4d. per each person. The average yearly charge per head of the water companies for water is about 3s. 4d.

The waters of the wells of London are much harder than the Thames water. Professor Clark found some of these to possess the following degrees of hardness :

Torrington Square well	80
Well at University College	32
Well in Charlotte Street, Bedford Square, at a private house	43.5
Red Lion Square pump	61.5

The Artesian well water of London, however, he found much softer ; those of Apothecaries' Hall, at Combe's brewery, and at Truman's brewery, each gave about the same degrees of hardness, viz. 5.5 degrees.

Water Supply from Wells.—Croydon is supplied from a well 9 feet in diameter, 25 feet deep, and then a bore about 2 feet in diameter, 50 feet deep—the soil chalk. The water flows into the well at the rate of 1000 gallons per minute.

The ordinary well water of Croydon possesses . . . 18.5

Professor Way's analysis—

After boiling	4.2
Artesian wells of London	5.5
Brighton Water Company's water	15
Sheerness Water Company's water	5.5
Harwich	

From Rivers :—

Derby.—The Derwent water contains 8.5 grains of carbonate of lime.

Cresy's Report.

London.—The Thames at the Seven Springs . . .	12.75
Ditto ditto London	15

Dr. Smith's Report, p. 29.

Southampton.—The Itchin, at Southampton . . .	16.5
The Test, near ditto	15.6
The Otterbourn springs	17.7

Ranger's Report.

Guildford.—The Wey	9
Farnham.—The Wey	15
Napier's Report.	
London.—Thames, at Chelsea	18
New River	16.3
River Colne	19.6
River Lea	16.4
Professor Broad. Report of General Board of Health, 1850, Appendix No. 2, p. 93.	
London.—Paddington Waterworks	22.4
Thames, at Teddington	16
Ditto, West Middlesex Waterworks	17.9
Ditto, Chelsea Waterworks	17.9
Ditto, at Windsor	13.3
Ditto, Thames Ditton	13.1
R. Phillips. Report, Supply of Water by General Board of Health, 1851, Appendix No. 3, p. 193.	
<i>From Springs :—</i>	
Barnard Castle	4.5
Boston	
<i>From Gathering Grounds :—</i>	
Southampton	8.5
Ranger's Report.	
Farnham	1

Napier's Report.

Power of Local Boards to lay down Water Mains.—

It would have been well if the Act had been more clear as to the right of a local board to lay down water mains through private lands. This will doubtless be made more explicit in future Acts. In the meantime there is, I take it, a sufficient power implied in the Act for this purpose.

By s. 75, the local board are empowered, for "their district" and "for private use," to "construct, lay down," &c., waterworks—"and do and execute all such works, matters, and things as shall be necessary and proper." By s. 11, waterworks includes "cuts, sluices, mains, pipes, lands, and things for supplying or used for supplying water." Sec. 76 provides, that if any house is reported by the surveyor to be without a proper supply of water, &c., that notice *shall* be given to the occupier "to obtain such supply," and if such notice shall not be complied with, the local board may "do such works and obtain such supply accordingly."

Sec. 46 directs, with regard to sewers, that "for the purpose of clearing, cleansing, and emptying the same,

they may construct and place, either above or under ground, such *reservoirs, sluices, engines, and other works*, as may be necessary." By s. 45, these sewers may be carried through any lands whatever.

Average Expense per House for Waterworks and Main Sewage.

Name of Town.	Number of Houses in the Special District.	Average Expense per House for Waterworks and Mains.	Average Expense per House for Sewers.	Source of Water Supply.
		<i>£. s. d.</i>	<i>£. s. d.</i>	
Croydon.....	2690	8 10 0	5 2 0	A well. Springs. Gathering grounds.
Barnard Castle....	750	4 18 8	2 6 10	
Rugby.....	1177			

On the following page is contained a TABLE showing the equal ANNUAL AMOUNT of PRINCIPAL combined with INTEREST which is requisite for the REPAYMENT of LOANS at the under-mentioned rates of Interest, viz. from 3 to 6 per cent. per annum, in any period of from one to thirty years :—

Number of Years in which Loans to be repaid.	Average Annual Instal- ment of Principal and Interest of a £.		Average Annual Instal- ment of Principal and Interest of a £.		Average Annual Instal- ment of Principal and Interest of a £.	
	At 3 per cent. per Annum.		At 3½ per cent. per Annum.		At 4 per cent. per Annum.	
	£1.	£100.	£1.	£100.	£1.	£100.
1	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
2	1 0 7½	103 0 0	1 0 8½	103 10 0	1 0 9½	104 0 0
3	0 10 5½	52 8 2½	0 10 6½	52 12 9½	0 10 7½	53 0 4½
4	0 7 0½	35 7 0½	0 7 1½	35 13 10½	0 7 2½	36 0 8½
5	0 5 4½	26 18 0½	0 5 5½	27 4 6	0 5 6	27 10 11½
6	0 4 4½	21 16 8½	0 4 5½	22 2 11½	0 4 6	22 9 3
7	0 3 8½	18 9 2½	0 3 9	18 15 4	0 3 9½	19 1 6½
8	0 3 2½	16 1 0½	0 3 3½	16 7 1	0 3 4	16 13 2½
9	0 2 10½	14 4 11	0 2 11	14 10 11½	0 2 11½	14 17 0½
10	0 2 6½	12 16 10½	0 2 7½	12 2 10½	0 2 8½	12 8 11½
11	0 2 4½	11 14 5½	0 2 4½	12 0 5½	0 2 5½	12 6 7
12	0 2 2	10 16 1½	0 2 2½	11 2 2½	0 2 3½	11 8 2½
13	0 2 0	10 0 11	0 2 0½	10 6 11½	0 2 1½	10 13 1½
14	0 1 10½	9 8 0½	0 1 11½	9 14 1½	0 2 0	10 0 2½
15	0 1 9½	8 17 0½	0 1 10	9 3 1½	0 1 10½	9 9 4
16	0 1 8	8 7 6½	0 1 8½	8 12 7½	0 1 9½	8 19 10½
17	0 1 7½	7 19 2½	0 1 7½	8 5 4½	0 1 8½	8 11 7½
18	0 1 6½	7 11 10½	0 1 7	7 18 1	0 1 7½	8 4 4½
19	0 1 5½	7 5 5	0 1 6½	7 11 7½	0 1 7	7 17 11½
20	0 1 4½	6 19 7½	0 1 5½	7 5 10½	0 1 6½	7 12 3½
21	0 1 4	6 14 5½	0 1 5	7 0 8½	0 1 5½	7 7 2
22	0 1 3½	6 9 9	0 1 4½	6 16 1	0 1 5	7 2 6½
23	0 1 3	6 5 6	0 1 3½	6 11 10½	0 1 4½	6 18 4½
24	0 1 2½	6 1 7½	0 1 3½	6 8 0½	0 1 4½	6 14 7½
25	0 1 2	5 18 1½	0 1 3	6 4 6½	0 1 3½	6 11 2
26	0 1 1½	5 14 10½	0 1 2½	6 1 4½	0 1 2½	6 8 0½
27	0 1 1½	5 11 10½	0 1 2½	5 18 5	0 1 3	6 5 1½
28	0 1 1	5 9 1½	0 1 2	5 15 8½	0 1 2½	6 2 5½
29	0 1 0½	5 6 7	0 1 1½	5 12 2½	0 1 2½	6 0 0½
30	0 1 0½	5 4 2½	0 1 1½	5 10 10½	0 1 2	5 17 7½
30	0 1 0½	3 2 0½	0 1 1	5 8 9	0 1 1½	5 15 8
	4½ per cent. per Annum.		5 per cent. per Annum.		6 per cent. per Annum.	
1	1 0 10½	104 10 0	1 1 0	105 0 0	1 1 2½	106 0 0
2	0 10 8½	53 8 0	0 10 9	53 15 7½	0 10 11	54 10 10½
3	0 7 8½	36 7 6½	0 7 4½	36 14 5	0 7 5½	37 8 2½
4	0 5 7	27 17 5½	0 5 7½	28 4 0½	0 5 9½	28 17 2½
5	0 4 6½	22 15 7	0 4 7½	23 1 11½	0 4 9	23 14 9½
6	0 3 10½	19 7 9	0 3 11½	19 14 0½	0 4 0½	20 6 8½
7	0 3 4½	16 19 5	0 3 5½	17 5 7½	0 3 7	17 18 3½
8	0 3 0½	15 3 2½	0 3 1	15 9 5½	0 3 2½	16 2 0½
9	0 2 9	13 15 1½	0 2 9½	14 1 4½	0 2 11½	14 14 0½
10	0 2 6½	12 12 9	0 2 7	12 19 0	0 2 8½	13 11 9
11	0 2 4½	11 14 6	0 2 5	12 0 9½	0 2 6½	12 18 7
12	0 2 2½	10 19 4	0 2 3	11 5 7½	0 2 4½	11 18 6½
13	0 2 0½	10 6 6½	0 2 1½	10 12 11	0 2 3	11 5 11
14	0 1 11½	9 15 7½	0 2 0½	10 2 0½	0 2 1½	10 15 2
15	0 1 10½	9 6 2½	0 1 11½	9 12 8½	0 2 0½	10 5 11½
16	0 1 9½	8 18 0½	0 1 10½	9 4 6½	0 1 11½	9 17 11
17	0 1 8½	8 10 10	0 1 9½	8 17 4½	0 1 11	9 10 10½
18	0 1 7½	8 4 5½	0 1 8½	8 11 1	0 1 10½	9 4 8½
19	0 1 7	7 18 9½	0 1 7½	8 5 5½	0 1 9½	8 19 3
20	0 1 6½	7 13 9	0 1 7½	8 0 5½	0 1 9	8 14 4½
21	0 1 6	7 9 2½	0 1 6½	7 16 0	0 1 8½	8 10 0
22	0 1 5½	7 5 1	0 1 6½	7 11 11½	0 1 8	8 6 1
23	0 1 5	7 1 4½	0 1 5½	7 8 3½	0 1 7½	8 2 6½
24	0 1 4½	6 17 11½	0 1 5½	7 4 11½	0 1 7½	7 19 4½
25	0 1 4½	6 14 10½	0 1 5	7 1 11	0 1 6½	7 16 5½
26	0 1 4	6 12 0½	0 1 4½	6 19 1½	0 1 6½	7 13 9½
27	0 1 3½	6 9 5½	0 1 4½	6 16 7	0 1 6½	7 11 4½
28	0 1 3½	6 7 0½	0 1 4½	6 14 3	0 1 6	7 9 2½
29	0 1 3	6 4 10	0 1 4	6 12 1	0 1 5½	7 7 2
30	0 1 2½	6 2 9½	0 1 3½	6 10 1½	0 1 5½	7 5 3½

REPAYMENT OF AMOUNT OF MORTGAGE.

Principal and Interest of Mortgages; repayment of by equal annual payments.—As it is very desirable that the amount of money raised by a local board of health should, both principal and interest, be paid off by an *equal* annual sum; the following arrangement has, at my suggestion, been adopted by the Croydon board, and has since been carried out, in two or three instances, by my friend, Arthur Burrows, Esq., of Lincoln's Inn, barrister at law; to him I am indebted for the following

FORM OF MORTGAGE:

By virtue of "The Public Health Act, 1848," and in pursuance of a Report of The General Board of Health, under the same Act, given under its seal of office, and the hands of two of the members thereof, and dated the _____ day of _____, 185 , and an order of her Majesty, made by and with the advice of her Privy Council upon such report, and bearing date the _____ day of _____, and published in the *London Gazette* of the day of the same month, the Local Board of Health in and for the district of _____, in the county of _____, by this deed, signed by _____, being five members of the said local board of health, and under the common seal of the said local board, and in pursuance of a written authority of the said General Board of Health, under its seal of office and the hands of two of the members thereof, dated the _____ day of _____, whereby the said General Board sanction the borrowing at interest by the said local board of the sum of 1620*l.*, according to the provisions of the said Act, and in consideration of the said sum of 1620*l.* paid for the purposes of the said Act to _____, of the town of _____, aforesaid, _____ the treasurer of the said district, by _____, trustees of the _____ Life Assurance Society, carrying on business in _____, in the City of London, out of the moneys of the said society, the receipt whereof is hereby acknowledged, do grant and assign, *according to the powers and provisions of the said Act*, unto the said _____, their executors, administrators, and assigns, *All and every* the special district rates or assessments which shall or may at any time or times hereafter be made or raised or otherwise become payable by virtue of the said Act, from or out of the said district or any part thereof, together with all powers which can or may be given or granted for recovering the same and the benefit*

* The parliamentary form, assigning only a *proportion* of the rates, has been objected to as uncertain and requiring an *account*; the form is only permissive, and the 107th sec. of the Act gives power to assign all the rates; the assignment is, however, here made only *according to the powers of the Act*.

thereof; To hold the same unto the said ———, their executors, administrators, and assigns, from the day of the date thereof until the said sum of 1620*l.*, with interest for the same after the rate of 4*l.* 10*s.* for every 100*l.* by the year, from the day of the date of these presents until full payment thereof, and also all costs incurred by them or any of them by reason of or under this security shall be fully paid and satisfied; And it is hereby declared that the said principal and interest moneys shall be paid and payable at the office of the said ——— Life Assurance Society for the time being, in manner following, that is to say, the interest on such principal sum of 1620*l.*, or on so much thereof as shall from time to time remain due and payable under the security of these presents, to be paid and payable by equal half-yearly payments on the ——— day of ——— and the ——— day of ——— in every year, the first payment thereof to be made on the ——— day of ——— next; and such principal sum to be paid and payable by thirty annual instalments, as hereinafter mentioned, on the ——— day of ——— in each of the next succeeding thirty years, towards the discharge of the same principal sum, until the whole shall be fully satisfied and discharged, and the amounts of such respective instalments of principal to be paid in each such year, and the amounts to be from time to time paid for interest thereon, to be as specified in the schedule hereunder written, and all such payments to be made without any deduction whatsoever, save for income tax whilst payable. Dated this ——— day of ———, in the year of our Lord, 185 .

THE SCHEDULE ABOVE REFERRED TO.

	Instalments of Principal.			Interest.				Instalments of Principal.			Interest.		
	£.	s.	d.	£.	s.	d.		£.	s.	d.	£.	s.	d.
1st year....	26	11	1	72	18	0	16th year ..	51	7	9	48	1	4
2nd	27	15	0	71	14	1	17th.....	53	14	0	45	15	1
3rd.....	29	0	0	70	9	1	18th.....	56	2	3	43	6	10
4th.....	30	6	1	69	3	0	19th.....	58	12	9	40	16	4
5th.....	31	13	4	67	15	9	20th.....	61	5	6	38	3	7
6th.....	33	1	10	66	7	3	21st.....	64	0	3	35	8	10
7th.....	34	11	7	64	17	6	22nd.....	66	18	4	32	10	9
8th.....	36	2	9	63	6	4	23rd.....	69	18	6	29	10	7
9th.....	37	15	3	61	13	10	24th.....	73	1	6	26	7	7
10th.....	39	9	3	59	19	10	25th.....	76	7	6	23	1	7
11th.....	41	4	9	58	4	4	26th.....	79	15	11	19	13	2
12th.....	43	1	10	56	7	3	27th.....	83	7	9	16	1	4
13th.....	45	0	2	54	8	11	28th.....	87	2	10	12	6	3
14th.....	47	1	1	52	8	0	29th.....	91	1	3	8	7	10
15th.....	49	3	6	50	5	7	30th.....	95	6	5	4	2	8

Received on the day of the date of the within written deed, of and from the within named ———, the sum of 1620*l.*, being the consideration money within expressed to be paid by them to me.

Witness

Treasurer of the local board of health,
in and for the district of ———,
in the county of ———.

EXPLANATORY TABLE.

Loan.			Interest, 4½ per cent.			Repayment.			Total.		
£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
1620	0	0									
1593	8	11	72	18	0	26	11	1	99	9	1
1566	13	11	71	14	1	27	15	0	99	9	1
1536	13	11	70	9	1	29	0	0	99	9	1
1506	7	10	69	3	0	30	6	1	99	9	1
1474	14	6	67	15	9	31	13	4	99	9	1
1441	12	8	66	7	3	33	1	10	99	9	1
1407	1	1	64	17	6	34	11	7	99	9	1
1370	18	4	63	6	4	36	2	9	99	9	1
1333	3	1	61	13	10	37	15	3	99	9	1
1293	13	10	59	19	10	39	9	3	99	9	1
1252	9	1	58	4	4	41	4	9	99	9	1
1209	7	3	56	7	3	43	1	10	99	9	1
1164	7	1	54	8	11	45	0	2	99	9	1
1117	6	0	52	8	0	47	1	1	99	9	1
1168	2	6	50	5	7	49	3	6	99	9	1
1016	14	9	48	1	4	51	7	9	99	9	1
963	0	9	45	15	1	53	14	0	99	9	1
906	18	6	43	6	10	56	2	3	99	9	1
848	5	9	40	16	4	58	12	9	99	9	1
787	0	3	38	3	7	61	5	6	99	9	1
723	0	0	35	8	10	64	0	3	99	9	1
656	1	8	32	10	9	66	18	4	99	9	1
586	3	2	29	10	7	69	18	6	99	9	1
513	1	8	26	7	7	73	1	6	99	9	1
436	14	2	23	1	7	76	7	6	99	9	1
356	18	3	19	13	2	79	15	11	99	9	1
273	10	6	16	1	4	83	7	9	99	9	1
186	7	8	12	6	3	87	2	10	99	9	1
95	6	5	8	7	10	91	1	3	99	9	1
			4	2	8	95	6	5	99	9	1
						1620 0 0					

APPENDIX, No. IV., p. 24.

Form of Petition to General Board of Health by the inhabitants desirous of having the Public Health Act applied to their district.—If one-tenth of the inhabitants rated to the relief of the poor of any district having a defined boundary are of opinion that it is desirable that the Public Health Act shall be applied to their district, the following form of petition “to the General Board of Health, Whitehall Place, London,” may be adopted, and forwarded to the general board after having been signed by at least 30 persons :—

“We the undersigned being inhabitants of ——— in the county of ——— (the said ——— having a well-known or defined boundary) and being rated to the relief of the poor in the said ———, and being one-tenth of the number of the inhabitants of the said ——— rated to the relief of the poor in the said ———, hereby petition the general board of health (appointed under the Public Health Act, 1848) to cause an inspector to visit the said ———, with a view to the application of the said Public Health Act to the said parish.”

APPENDIX, No. V. (See *ante*, p. 139.)

Highway Rates.—The opinion given by the officers of the Crown (see p. 139) not being deemed free from doubt, the case was submitted, February 23, 1852, to Sir A. E. Cockburn and Sir W. P. Wood, whose opinion was found to be entirely different from that previously given: they remark—"It appears to us that the opinion given by the law officers of the date of 15th June, 1850, is erroneous, and cannot be sustained. It appears to have proceeded on the ground that the expenses of the local boards in maintaining the highways are necessarily to be defrayed by the district rate provided for by s. 87, and which, by s. 88, is to be assessed as therein is prescribed. We think this view incorrect.

"The 87th section evidently contemplates the levying of other rates besides the district rate; for it enables the local board to make and levy, when occasion may require, *in addition to any other rate*, a rate or rates to be called 'general district rates,' for defraying such expenses as are charged upon that rate by this Act, and such expenses of executing this Act in any district, *as are not provided for by any other rate*, or defrayed out of the district fund account.

"By the 117th section, the office of surveyor of highways, with its incidental duties and powers, is transferred to the local board, except so far as the same may be inconsistent with the provisions of the Act. One of the powers incidental to the office is that of making a highway rate. Is the exercise of that power inconsistent with the provisions of the Act? We do not see how that can be said, seeing that the 87th section clearly refers to other rates, and grants the district rate as supplemental thereto.

"But what, in our judgment, places the matter beyond a doubt is the proviso at the end of s. 117, that 'neither the allowance of justices, nor the signature by the local board of health, shall be necessary in the case of any rate made by the local board of health under the Act.' Now this allowance and signature are rendered necessary to a rate made by a surveyor by 5 & 6 Will. IV., c. 56, s. 27. It

would not be necessary in the case of a rate made under s. 87 of the Public Health Act. It may, therefore, fairly be inferred that the legislature contemplated that rates might be made by the local boards in their character of surveyors of highways, independently of the general district rates provided for by s. 86.

"In making a rate other than one under s. 86, the board would not be bound by the principle of assessment provided by s. 88.

"If our opinion be not well founded, it would certainly seem that the law is unjust and ought to be amended."

I am inclined, however, very respectfully, to consider the first opinion of the officers of the Crown to be the correct reading of the Act, for the following amongst other reasons:—

By s. 87, the general district rate is charged with the payment of all such expenses of executing the Act "as are not provided for by any other rate."

By the same section, "a district fund account is directed to be kept," and this fund is to be devoted, in the discretion of the board, to defraying the expenses of carrying the Act into execution, "and not otherwise expressly provided for."

By s. 117, all arrears of any *then existing highway rates* are to be collected, and the balance (after the payment of arrears) is to be carried to the *district fund account*.

Now surely if it had been contemplated that *other* highway rates were to be made, the balance of old rates would have been directed to be carried to highway purposes.

There are, moreover, many other things directed to be done about roads by local boards of health which the highway rate does not authorise; for instance, by s. 58, ditches and ponds are to be cleansed, and the expenses charged to the *district rate*. By s. 55, dust and soil is to be collected from *roads*; and by s. 56, the proceeds of the sale of this dust and soil are to be carried to the *district fund account*.

Again, by s. 73, premises may be bought for the improving of streets, and the overplus land sold, and the proceeds carried to the *district fund account*.

By s. 68, the local board are to *pave* streets. This is a *new* duty, not payable out of a highway rate.

By s. 70, all *new highways* are to be repaired "out of

the rates levied on that behalf *under the authority of this Act.*"

Now a highway rate is *not*, I take it, a rate levied under the authority of this Act.

Sec. 117, which makes the local board surveyors of the roads, expressly limits their powers "to such as are not inconsistent with the provisions of this Act."

APPENDIX, No. VI.

The Districts to which the Public Health Act has been applied to March, 1852, being 134 in number.—See ante, p. 30.

District.		Population.		Annual Proportion of Deaths.*	Act applied by Provisional Order or by Order in Council.
Name.	County.	1841.	1851.		
Alfreton (Township)	Derby	1,774	1,727	20·7	P. O.
Alnwick (Township)	Northumberland	5,517	5,779	30·	P. O.
Altrincham (Township).....	Chester	3,399	..	27·	O. C.
Alvaston & Boulton (Parish)	Derby	664	504	..	O. C.
Ashby-de-la-Zouch (District)	Leicester	5,208	7,645	22·	P. O.
Aylesbury (Parish).....	Bucks	5,429	6,081	27·	O. C.
Bangor (Borough).....	Caernarvon	7,232	6,338	21·	O. C.
Barnard Castle (Township)	Durham	4,452	4,608	26·	O. C.
Battle (Parish)	Sussex	3,039	3,849	21·4	O. C.
Beaconsfield (Parish).....	Bucks	1,732	1,684	19·	O. C.
Berwick-upon-Tweed (Boro')	Berwick	8,484	15,094	23·	P. O.
Beverley (Borough)	York, E. R.	8,671	..	22·8	P. O.
Braintree (Parish)	Essex	3,670	4,340	22·	O. C.
Brecon (Borough).....	Brecon	5,701	6,070	26·	P. O.
Bridgend (District)	Glamorgan	949	..	19·0	P. O.
Bristol (City)	Gloster and Somerset	64,266	..	29·3	P. O.
Brynmawr (District)	Brecon .....	..	..	26·7	P. O.
Bulkington (Parish)	Warwick	1,831	..	26·	O. C.
Burnham (Parish)	Somerset	1,469	1,664	16·	O. C.
Burslem (Parish)	Stafford	15,543	..	24·	P. O.
Carmarthen (County of Borough).....	Carmarthen	9,526	10,524	25·	P. O.
Calne (Borough)	Wilts	2,483	5,195	20·	O. C.
Cardiff (Borough)	Glamorgan	10,077	18,294	30·9	P. O.
Carlisle (City)	Cumberland	23,012	26,305	27·	P. O.
Castleford (Township)	York	1,414	2,150	27·	O. C.
Chatham (Chatham Extra)	Kent	21,431	22,399	22·9	P. O.
Chelmsford (Parish)	Essex	6,789	7,796	24·8	P. O.

* To 1000 of population on an average of seven years.

District.		Population.		Annual Proportion of Deaths.	Act applied by Pro- visional Order or by Order in Council.
Name.	County.	1841.	1851.		
Cheshunt (Parish)	Herts	5,402	5,579	16·1	O. C.
Chilvers Coton (Parish) ..	Warwick	2,508	..	27·	O. C.
Clarbrough (Parish)	Notts	2,207	2,504	28·5	O. C.
Clitheroe (Borough)	Lancaster	6,765	..	22·2	O. C.
Coventry (City)	Warwick	30,743	..	25·6	P. O.
Croydon (Parish)	Surrey	13,627	20,343	21·	P. O.
Darlington (Township)	Durham	11,033	11,582	21·	P. O.
Dartford (Parish)	Kent	5,619	6,224	23·	P. O.
Derby (Borough)	Derby	32,741	40,609	25·	P. O.
Dewsbury (Township)	York .....	..	..	..	O. C.
Diss (Parish)	Norfolk	3,205	3,637	20·5	O. C.
Doncaster (Borough)	York	10,455	..	27·5	P. O.
Dover (Borough)	Kent	13,872	22,244	22·	P. O.
Durham (Borough)	Durham	14,151	13,168	25·	P. O.
Edmonton (Parish)	Middlesex	9,027	9,708	22·8	O. C.
Ely (City)	Cambridge	6,825	..	26·3	O. C.
Enfield (Parish)	Middlesex ..	9,367	9,453	18·3	O. C.
Epsom (Parish)	Surrey	3,533	7,140	22·	O. C.
Eton (District)	Bucks	3,609	9,898	15·	O. C.
Exmouth (Town)	Devon	4,356	5,103	20·	P. O.
Fareham (Parish)	Southampton ..	6,168	5,842	18·	O. C.
Gateshead (Borough)	Durham	19,506	25,568	28·8	P. O.
Gaywood (Parish)	Norfolk	1,064	1,338	20·9	O. C.
Gloucester (County of City)	Gloucester	14,152	16,015	24·3	P. O.
Godmanchester (Borough)	Hunts	2,152	..	22·	O. C.
Grimby, Great (Borough) ..	Lincoln	3,700	..	21·7	O. C.
Halifax (Borough)	York	26,694	..	24·9	P. O.
Harrow (District)	Middlesex	1,873	6,261	16·	P. O.
Hartlepool (Borough)	Durham	5,236	8,454	24·6	P. O.
Hastings (Borough)	Sussex	11,617	..	18·7	P. O.
Havant	Southampton ..	..	..	..	O. C.
Haworth (Town)	York .....	..	..	..	O. C.
Hitchin (Township)	Herts	5,658	..	25·	O. C.
Holbeach (Parish)	Lincoln	4,637	4,986	24·4	P. O.
Ilfracombe (Parish)	Devon	3,679	3,677	15·3	O. C.
Kendal (Borough)	Westmorland ..	10,225	11,829	27·	P. O.
Kingston-upon-Hull (Boro')	York	41,629	..	27·9	P. O.
Kirkham	Lancaster .....	..	..	..	O. C.
Knighton (Borough)	Radnor	1,237	1,388	29·	O. C.
Lancaster (Borough)	Lancaster	13,531	..	..	P. O.

District.		Population.		Annual Proportion of Deaths.	Act applied by Pro- visional Order or by Order in Council.
Name.	County.	1841.	1851.		
Launceston (District)	Cornwall	2,460	3,800		P. O.
Layton with Warbrick (Township)	Lancaster . . . . .	..	..	24·	O. C.
Leicester (Borough)	Leicester	48,167	60,584	27·4	P. O.
Litton (Township)	Derby	864	..	20·5	O. C.
Llanelly (Borough)	Carmarthen	6,846	8,710	20·3	P. O.
Loughborough (Parish)	Leicester	10,170	11,210	24·8	O. C.
Luton (Township)	Bedford	5,827	..	24·	O. C.
Maidenhead	Berks . . . . .	..	..	..	O. C.
March (Township)	Cambridge	5,706	6,241	27·3	P. O.
Margate (Parish)	Kent	11,059	10,099	16·4	P. O.
Merthyr Tydfil (Parish)	Glamorgan	34,977	63,080	27·4	O. C.
Mileham (Parish)	Norfolk	532	531	18·8	O. C.
Morpeth (District)	Northumberland and Durham	7,255	7,951	26·	P. O.
Nantwich (Township)	Chester	5,489	..	27·5	O. C.
Newcastle-under-Lyne (Borough)	Stafford	9,838	..	28·	P. O.
Newmarket (District)	Suffolk and Cam- bridge	2,956	..	21·4	P. O.
Newport (Borough)	Monmouth	10,815	19,810	26·	P. O.
Northallerton (Township) . .	York	3,092	3,086	22·	O. C.
Norwich (City)	Norfolk	62,344	68,174	..	P. O.
Nuneaton (Parish)	Warwick	7,105	..	24·	O. C.
Ordsall (Parish)	Notts	955	1,342	21·1	O. C.
Ormskirk (Township)	Lancaster	4,891	..	30·5	O. C.
Ottery St. Mary (Parish) . .	Devon	4,194	4,421	19·	O. C.
Penrith (Parish)	Cumberland	6,145	7,387	27·	O. C.
Penzance (Borough)	Cornwall	8,578	9,210	22·	O. C.
Preston (Borough)	Lancaster	50,131	..	29·2	P. O.
Reading (Borough)	Berks	18,937	..	23·8	P. O.
Retford, East (Borough) . .	Notts	2,680	..	18·	O. C.
Retford, West (Borough) . .	Notts	618	653	20·3	O. C.
Romford (Parish)	Essex	5,317	5,868	26·7	P. O.
Rugby (Parish)	Warwick	4,008	..	18·	O. C.
Rusholme (Township)	Lancaster	1,868	..	20·	O. C.
Sandgate (District)	Kent	979	..	..	P. O.
Sawtry All Saints and Saw- try St. Andrew's (Parishes)	Hunts	999	..	22·	O. C.
Selby (Parish)	York	5,376	5,298	23·7	O. C.

256 *Districts to which the Act has been applied.*

District.		Population.		Annual Proportion of Deaths.	Act applied by Pro- visional Order or by Order in Council.
Name.	County.	1841.	1851.		
Sheerness (Parish of Minster).....	Kent	8,684	..	26·6	P. O.
Sherborne (District)	Dorset	4,758	5,242	24·9	P. O.
Sleaford, New (Parish)....	Lincoln	3,184	3,539	25·3	O. C.
Southampton (Town and County of Town)	Southampton ..	27,744	..	20·1	P. O.
Stratford-on-Avon (Borough and Parish).....	Warwick	6,022	..	19·	P. O.
Swaffham (Parish).....	Norfolk	3,358	3,858	22·	O. C.
Swansea (Borough)	Glamorgan	16,787	31,893	20·	P. O.
Taunton (Borough)	Somerset	12,066	14,176	26·	P. O.
Tenby (Borough)	Pembroke	2,912	2,982	18·	P. O.
Tewkesbury (Borough)....	Gloucester	5,862	5,878	27·	P. O.
Thomas, St., the Apostle (Parish)	Devon	4,301	4,577	27·	O. C.
Thurmaston (Parish).....	Leicester	1,229	..	25·8	O. C.
Tormoham (Parish) Torquay	Devon	5,982	11,379	20·6	P. O.
Tottenham (Parish)	Middlesex	8,584	20,170	17·	O. C.
Towyn (Parish)	Merioneth	2,907	2,764	16·4	O. C.
Tynemouth (Borough)	Northumberland	25,416	29,170	25·2	P. O.
Uxbridge (Town)	Middlesex	3,219	..	21·	P. O.
Waltham, Holy Cross (Parish)	Essex	4,177	..	15·7	O. C.
Ware (Town).....	Herts	4,653	..	23·3	P. O.
Warwick (Borough)	Warwick	9,775	..	22·7	P. O.
Watford (District).....	Herts	5,989	..	23·3	P. O.
Wavertree (Township) ..	Lancaster	2,669	..	21·4	O. C.
Wednesbury, Stafford.....	Stafford .....	..	..	..	O. C.
West Cowes (Township) ..	Southampton ..	4,107	..	..	P. O.
Weymouth (Borough)	Dorset	7,708	9,337	25·4	P. O.
Wigan (Borough).....	Lancaster.....	25,517	..	33·	P. O.
Windsor, New (Borough) ..	Berks	7,786	..	20·	P. O.
Witham	Essex .....	..	..	..	O. C.
Wolverhampton (Borough)	Stafford	36,382	..	27·1	P. O.
Worcester (Borough)	Worcester	25,401	..	25·	P. O.
Yarmouth, Great (Borough)	Norfolk	24,086	30,879	24·	P. O.
York (City)	York	38,321	..	..	P. O.

APPENDIX, No. VII.

ON THE AGRICULTURAL VALUE OF SEWER AND DRAINAGE WATER.* (See *ante*, p. 84.)

I. House Drainage.—Since the passing of the Public Health Act, about four years since, a very considerable advance has been made in the great sanitary improvements it was intended to advance. It has already been the means of great and invaluable prefatory inquiries and improvements in the drainage of towns, still greater things will be speedily accomplished, greater power will be hereafter given to the general and local boards of health with advantage to the community at large, prejudices will die away, the general health (the poor man's only source of capital) advanced.

I propose in this paper, amid all these invaluable contemplated improvements of house drainage, to put in a plea on behalf of the agriculture of our country, for the extended and improved collection and use of the contents of town sewers; a sewage, as at present mismanaged, so generally useless to vegetation, and so pernicious to animal life. To this end I would, in the first place, earnestly and anxiously endeavour to impress upon my readers the public and private duty they have to perform, in aiding in every way in their power the extension of a system of complete sewage, which will not only tend to the health and longevity of their own family circle, but of all their surrounding neighbours. On this branch of the inquiry, a report of their surveyors to the metropolitan commissioners of sewers contains the following passages. They very correctly remark (p. 3), when alluding to the necessity for a general and compulsory system of house drainage, "Though absolute control over house drainage is imperatively necessary, all that is desired is the protection of the public, and this can only be accomplished by making house drainage compulsory under supervision, or, in other words, by the court having power, where no house drainage exists, or where it is defective, to see to its construction or amendment: so that no man may either make his house a fever-nest and common nuisance, by refusing to construct drainage, or make the public sewers the means of spreading

* The substance of this paper was, some time since, submitted to my brother commissioners of the metropolitan sewers, and was ordered by them to be printed. It has long been out of print.

miasma by connecting with them bad and inefficient works. Thus would that portion of the public who would voluntarily make the provision be secured from the evil consequences that would ensue to them from the neglect of others." The objection sometimes urged against giving the power of a public interference with private property, is well answered by the surveyors; for, when speaking of the present system, they remark—

"But can he—does he, do as he likes with his own? With defective or deficient drainage he is a very slave in his own house, at the mercy of a host of irresponsible workmen. It is true that he sends for them, but he cannot help himself. It is only when the overflowing cesspool or the choked-up drain is no longer bearable, that this mitigation of the evil is forced upon him, and from year to year is this unwelcome visit repeated. Nor is this all; yet more unwelcome visitors, sickness and disease, force their way in by the same channels in spite of him, and those are happy who escape the most unwelcome visitor of all—death, too often prematurely summoned to these scenes of neglect and apathy." This, however, is a middle and upper class view of the subject. The poor man suffers so immediately—intensely and needlessly suffers—from this neglected and anomalous state of things, that he would hail with heartfelt satisfaction the most intrusive interference that would improve the cruel circumstances under which he is thus compelled to exist; but scarcely yet aware of the intimate connexion of his misery with the neglected conditions around him, his voice is not so audible in favour of the change. So great and so constant, indeed, are the evils arising from defective house drainage, that it is a matter of thankfulness that our senses become deadened, and, as it were, acclimatised to the wretched atmosphere with which we are surrounded; for although this state of things engenders a low and depressed condition of existence, and produces a high rate of mortality, it would be still more fatal if we had no tendency to become accustomed to it."

I consider, then, the benefits of a systematic and perfect drainage of houses as no longer a doubtful question. Measures are now taking, in many parts of the country, for carrying out the provisions of the Public Health Act. Great good has been already done, and still more valuable operations than any yet contemplated will be soon accomplished. Amid these great efforts, let me urge upon the attention of the constituted authorities the importance of adopting, on all practicable occasions, that arrangement of the drainage of houses which shall afford the greatest facilities for the employment of the sewage for the purposes of irrigation. It is generally practicable to so construct the drains of populous places, that, with a proper attention to the requisite fall, the outlet of these sewers may

be so far elevated as to allow of the liquid matter which they discharge being passed over cultivated lands on its way to the adjoining river. Such opportunities as these should on no account be neglected. By the use in this way of the sewage, the land is enriched, the river water less injured in its purity; since, after being employed in water meads, the sewage often flows off the land in a state very nearly colourless.

It is not easy to value exactly the matter annually discharged through a town sewer, but still a considerable and very valuable approximation may be made. The most practical way of illustrating my position would be by referring my readers to the cases of the lands so copiously, so extensively, and very profitably irrigated by the contents of the public sewers of Edinburgh, and at Clipstone, close by the town of Mansfield. But another and rather more definite course may be adopted, that which one or two great chemists have followed, to obtain an approximation to a correct estimate. "A thousand pounds of urine," observes Professor Johnston (*Elem. Agricultural Chem.* p. 158), contains 68 lbs. of dry fertilising matter of the richest quality, worth, at the present rate of selling manures in this country, at least 10s. per cwt. As each full grown man voids about 1,000 lbs. of urine in a year, the national waste incurred in this form amounts, at the above valuation, to 6s. per head. And if five tons of farm-yard manure per acre, added year by year, will keep a farm in good heart, four cwt. of the solid matter of urine would probably have an equal effect; or the urine alone, discharged into the rivers by a population of 10,000 persons, would supply manure to a farm of 1,500 acres, yielding a return of 4,500 quarters of corn, or an equivalent produce of three crops."

Of another valuable portion of the heterogeneous contents of a sewer, M. Sprengel, when speaking of nightsoil, remarks (*Journ. R.A.S.* vol. 1, p. 494), "Although there can be no doubt that this material is one of the strongest manures, it is still in most places managed with less care than any, and in many altogether neglected; yet the greater or less value attached to it in any country is certainly a proof of the degree in which the agriculture of that country is advanced. Where pains are taken with it, husbandry will be found in other respects excellent; where it is little thought of, the art, in general, will usually be less perfect." It is to the use of this substance, drawn from reservoirs in the towns, that Belgium in a great degree owes her fertility; while in many large cities of Germany it is allowed to drain into the rivers. Since 1,200 lbs. weight of it yearly may be reckoned for each unit of population, it is easy to see, where population is counted by thousands, how important its application must be.

The value of the sewage of houses is certainly more generally

understood on the continent than with us. In most of the German towns (*Johnson on the Fertilisers*, p. 107), the householder disposes of the contents of his cesspool for a certain sum of money, besides getting the operation performed gratuitously. By comparing the returns of the different prices paid in those cities for the commodity in question, one year with another, and equalising them by an average price, the inhabitants appear to be benefited to the amount of four francs a head yearly, and the middleman to at least 40 per cent. on the sum he pays to the householder. It is true that these matters in a common sewer are mixed and diluted with a very considerable portion of water; but this is no bar to its use in irrigation (I make the remark more for the use of the general reader than the farmer), since, in the case of water meads, the town sewage is found to be abundantly powerful; so much so, indeed, that in the case of the meadows watered by the sewage of Edinburgh, its strength is sometimes deemed too great; and yet, observes Mr. Stephens, in his valuable "*Practical Irrigator*," when speaking of these sewer-watered meads, "the grass is let every year by public sale in small patches of a quarter of an acre and upwards, and generally brings yearly from 25*l.* to 30*l.* per acre." I feel that in these rapid preliminary inquiries I have only employed a few of the many facts in my possession, all tending to prove the same thing. I shall in the following pages gather together more evidence on this national improvement, but in this little section I will only say to the friends of sanitary reform, in all your noble efforts to add health and comfort to the community, to which I bid God speed, do not forget the claims, the demands, and the benefit, of agriculture.

II. *The Value of Sewage Waters in Irrigation.*—An objection is sometimes raised to the use of the sewage of towns for irrigation, that although the substances it contains are very fertilising, yet the proportion in which it is found is too small for its useful employment. The objection then is, that the liquid is very commonly too much diluted with water. Such objectors are not commonly aware of either the pretty uniform strength of the contents of town sewers, the largeness of the mass of rich organic matters which they convey away, or the value of liquid manure to the farmer's crops, in even a far more diluted state than that in which it is found in ordinary periods in the sewer of an English town. In directing, then, our attention to these objects on the present occasion, I feel that we are likely to be labouring in a very useful direction. It is, in fact, in vain to expect the landholder to make any efforts to avail himself of these enriching waters, if he is in doubt as to their fertilising power.

The composition of the sewage waters of both large and small towns, in periods of dry weather, seems to be much more uniform than might be reasonably anticipated. This will be readily seen by comparing the composition of the sewage of the small town of Mansfield, in Nottinghamshire, with that of the cities of Edinburgh and Westminster. The composition of the Mansfield sewage was some time since ascertained by Mr. T. J. Cooper. One gallon of the clear liquid, evaporated to dryness, gave 77.3 grains of solid matter, containing—

	Grains.
Ammonia	4.02
Chlorine	9.63
Lime	7.10
Sulphuric acid	2.63
Magnesia	1.05

There was also found with potash, soda, and animal and vegetable matter, in a soluble form, phosphate of lime 0.9; earthy matter and sand 1.6 (*Report of Com. on Metro. Sewage*, p. 153). The sewage water of Edinburgh, also examined by Mr. Cooper, was found to contain per gallon 78 grains of solid matters: these were also composed of a quantity of soluble animal and vegetable matters, some potash and soda, and

	Grains.
Ammonia	4.45
Sulphuric acid	3.00
Lime	6.84
Chlorine	12.10
Phosphate of lime	1.06

The composition of the London sewage is very similar to those of the above-named towns. A gallon of the liquid portion of the sewage water of the King's Scholar Sewer was found to contain 85.3 grains of solid matter. This consisted of a large proportion of soluble animal and vegetable matters; besides the following substances (*Appendix to Report*, p. 153):—

	Grains.
Ammonia	3.29
Sulphuric acid	0.62
Phosphate of lime	0.29
Lime	6.05
Chlorine	10.00

With some potassa and soda.

The mechanically suspended matters of a gallon of this sewer water amounted to 55 grains; of which 21.22 grains were combustible, and

consisted of animal matter rich in nitrogen, some vegetable matter, and a quantity of fat, and 32·75 of matter consisting of—

	Grains.
Phosphate of lime.	6·81
Oxide of iron	2·01
Carbonate of lime.	1·75
Sulphate of lime	1·53
Earthy matter and sand	21·65

Such, then, is the ordinary composition of town sewer water. The largeness of the stream which these drains contain is as little generally understood. On the contents of one of these we have the advantage of possessing the evidence of Mr. James Smith, of Deanston (*Minutes of Evidence, Metro. Sewage*, p. 1), who, when alluding to the King's College Pond Sewer, of Westminster, told the committee that the quantity of sewage which this drain discharges into the Thames annually is very nearly six millions of tons. In reply to a question as to the ordinary composition of this mass, he added, "It is very difficult to ascertain correctly the different compositions of sewer water, because it varies very much; but we have endeavoured to have water taken so frequently at stated periods as to give us what we think a fair average, not in wet weather, but in weather when the sewers are likely to have a greater proportion, or at least an average proportion of sewage water in the sewer, and from the investigation of our chemist, we find that there are about 92 grains of solid in suspension and solution per gallon; that is equal to 400 lbs. weight in a hundred tons. The greater part of the matter that is in suspension is either light matter floating upon the surface, or very much divided, pretty nearly of the same specific gravity as the water, and consequently floating all through it. There is a proportion of the heavy matter of silt, and the debris of the stones of the street, and of the sand that gets in in various ways, &c.; but that forms but a very small proportion."

"A proper view of the thing as it exists may disabuse the minds of many (very correctly added Mr. Smith) of their notions of sewer water. I have found, from conversing with persons who have not considered the subject, that they conceive it to be a thick unctuous matter, difficult to deal with, and difficult to pump above all things; on the contrary, it is nearly as fluid as the water pumped in for the supply of towns." Towards the close of his evidence, Mr. Smith made the very just remark (and it is one highly encouraging to those who are labouring to improve the system of house drainage, and to apply town sewage to the purposes of agriculture), "that as to the condition of sewage water, there is no town that has one-half the condition in the sewage water that it ought to have, if that town were

properly drained. At present, even in some of the best districts in London, a great deal of the valuable animal matter is entirely thrown away: there are no urinals, and not a sufficient supply of waterclosets; most of them connected with even the best houses are discharged into the cesspools; the matter soaks into the ground, and causes great nuisance to the inhabitants, and is entirely lost; but a proper system of pipe sewage from the watercloset directly, and from the different slop places in the house, if it were carried out in proper air-tight pipes and connected with the proper sewerage, I am quite sure the sewage water in drains would be then worth double the money it is at present. From the experiment which I made upon the urine of two persons kept for a year, and mixed with ashes, it would be sufficient to raise a fair acre of turnips. I am quite sure (he concluded), with regard to the subject of liquid manure generally, that the same quantity of enriching matter applied in a liquid form will be very much more efficacious and more quickly so than in a solid state."

This leads me to the third portion of my observations—the fertilising value of liquid manure, even when so extensively diluted with water as in a town sewer. On this branch of the inquiry, before I quit the evidence of Mr. Smith, I may add his remark on this head when he said (236), "I may mention a very interesting experiment by Mr. Knight, the nurseryman, who has for the last four or five years converted a well, which he had in his nursery to supply water to his plants, into a tank. He has a privy connected with it, and he employs from twenty-eight to thirty persons, all of whom use the privy, and all this matter goes into the well. He pumps it up with a mixture of water from the well, and applies it to his plants, and has had the most extraordinary results produced. He has been rewarded with the most vigorous growth of plants in this country, and has been enabled to bring some exotic plants to a luxuriance of growth equal to what they reach in their own climates." The remarks of Sir H. Davy and of Liebig (*Organic Chemistry*, p. 195) tend to the same conclusion as to the advantage of dilution. The great German chemist observes,—“In respect to the quantity of nitrogen contained in excrements, 100 parts of the urine of a healthy man are equal to 1,300 parts of the fresh dung of a horse, and to 600 parts of those of the cow.” Hence it is evident that it would be of much importance to agriculture if none of the human urine were lost. His remarks upon the amount of this bear directly upon my argument, although not exactly upon this portion of it, when he adds—“If we admit that the liquid and solid excrements of man amount on an average to $1\frac{1}{2}$ lb. daily ($1\frac{1}{2}$ lb. of urine, and $\frac{1}{2}$ lb. of fæces), and that both taken together contain three per cent. of nitrogen, then in one year they will amount to 547 lbs., which contain

16·41 lbs. of nitrogen—a quantity sufficient to yield the nitrogen of 800 lbs. of wheat, rye, oats, or of 900 lbs. of barley. Davy long since found the necessity for using liquid manures in a diluted state. (*Lectures*, p. 270.) It is well worthy of notice in such an inquiry, how speedily the addition of the contents of a town sewer, even to a copious rapid stream, imparts to it increased fertilising power for the irrigator. There is hardly to be found, considering the short extent of its course, a more copious, a brighter, or a more rapid stream, than the Itchen. Whoever has noted the large volume of water rushing under the bridge at Winchester would be little inclined to suspect that the addition to it of the matters from one or two sewers of that very wretchedly drained city would perceptibly increase its value for the farmer; and yet the owners of the water meads of the Itchen valley are “perfectly aware of the value of the addition of the city drainage of Winchester to the fertilising qualities of the river water, and of its superiority for irrigation after it has past the city.” (*Johnson’s Fertilisers*, p. 239.) The landholders near Salisbury give the same evidence in the case of the sewage of that city poured into the waters of the Wiltshire Avon; and when Mr. J. E. Denison was describing the formation of the great and valuable water meadows at Clipstone, made by his Grace the Duke of Portland, and watered by the little river Maun, he observed (*Journ. R. A. S.*, vol. i., p. 362), “The *quality* of the water is very important: soft water is the best; mineral waters, and waters from peat-mosses and bogs, are found to be injurious. After strong rains the washings of the streets and sewers of the town of Mansfield, which discharge themselves into the Maun, give great additional efficacy to the water. Mr. Tebbutt, the manager of the works, compares its virtues in that state to ale, when in its ordinary condition it would not deserve a better name than that of small beer. It will sometimes deposit a sediment in one watering of the thickness of a sheet of paper.”

The evidence of the Italian farmers in the neighbourhood of Milan, so much celebrated for their valuable water meads, is to the same effect—a detailed account of these will be found in the first *Report of the Health of Towns’ Commission*, p. 403. In describing the course of one of the great canals which carries off the sewage of the city of Milan, it is there remarked, “The Vetabbia flows out of the southern part of the city, and after a course of ten miles discharges itself into the river Lambro, fertilising prodigiously a considerable extent of meadow land.” It can be easily conceived what must be the fertilising quality of the Vetabbia, as it carries off all the filth of a city of 150,000 inhabitants, and the quantity of fertilising matter borne along by its waters raises in such a manner the surface of the meadows it irrigates as to render it necessary that

from time to time the deposit should be removed in order to preserve the level of irrigation. The deposit is by itself an excellent manure, and is bought by the neighbouring agriculturists as a fertiliser.

The Vetabbia possesses also the valuable peculiarity of protecting from frost the meadows it irrigates, owing to the high temperature it receives in its passage under the town. Some of the meadows irrigated by the sewerage water of Milan yield a net rental of 21*l.* per *tornatura* (a measure of 10,000 square metres, equal to about 2½ acres), besides a land tax of 61 francs 10 cents., the expenses of administration, repairs of buildings, &c. These meadows are mowed in November, January, March, and April, for stable-feeding: in June, July, and August they yield three crops of hay for the winter, and in September they furnish an abundant pasture for the cattle till the beginning of the winter irrigation. The evidence, then, of both the chemical philosopher and the skilful practical irrigator all tends to establish clearly the same facts—that the addition of a portion of the saline and organic matters of town sewers to the waters usually employed in the irrigation of grass lands *very materially* adds to their fertilising powers. It is a result which can hardly be too generally known by the farmer and by the philanthropist. It will aid the first in his great efforts to increase the supply of food to an increasingly crowded population; it will assist the last in his noble endeavour to diffuse health and comfort among the poor and, at present, neglected districts of all large towns. It will arm both with another argument to arouse those most directly interested in the course of sanitary improvement, since it is evident that what is at present, when putrefying in tanks, either breeding noxious gases or contaminating the waters of the adjoining wells, will, when by a perfect system of sewerage rendered available for the purposes of irrigation, be the means of affording food for the very animal life to which it is at present the cause of disease and misery.

III. *The Employment of the Sewage of a single House in a Garden and on a Grass Plot.*—If we are convinced by evidence as powerful and as satisfactory as that which I have adduced of the value of the sewage of the house for the use of the garden and the field, it next becomes an interesting inquiry to endeavour to find a means by which this at present worse than wasted source of fertility may readily, and without the slightest annoyance to any of the inmates of the house, or the visitors to our gardens, be usefully and very profitably employed. In this there is little practical difficulty; for, as I have experimentally ascertained, the entire sewage of a house (using the word sewage in its most comprehensive sense) is

readily filtered through coarse sand, or passed through a strainer ; and in my own case, after having for about three years adopted this plan, the filter still allows the fluid portion of the sewage to pass through with little diminution of its rapidity. The fluid portion, after being even strained, merely presents the appearance of dirty ditch water ; it has a very slightly disagreeable smell, but this ceases as soon as it is added to the ground ; the whole of it rapidly soaks in, without leaving either any mechanically suspended matters, or even a stain on the surface of the mould.

In my own case, at my residence at Waldronhyrst, in the parish of Croydon, feeling the danger of leakage in the ordinary brick drains, I employed only leaden or cast-iron pipes (five-inch bore) for the entire length of the sewers ; and as between my house and its kitchen-garden there is fortunately a sufficient fall to admit of the construction of a separate receiving tank, and also a second tank (both made of bricks, set in and faced with cement) furnished with a sand filter, I have no occasion to use a pump to raise the filtered sewer water. The fall in my case is sufficient to enable the filtered liquid manure to flow through iron or stoneware pipes to every portion of the kitchen-garden. In every communication from the house to the drain, a self-acting water-valve effectually prevents the escape of any effluvia. Both of the tanks are furnished with man-holes and stone covers. These tanks hold about 500 gallons each, and from an establishment of five persons the tank is filled by the sewage in about a week. The facility thus afforded for carrying away house-sewage, and its profitable employment on the land by placing a dwelling-house on the side of a sloping ground, afford two most powerful additional arguments for choosing such sites for the erection of our dwellings. In those situations where it is necessary to employ a pump, the great objects of employing the sewage and filtration may be readily obtained by even a single tank by merely dividing the tank into two compartments, and then allowing the sewage to fall into a strainer, such as a basket, made of either osiers or a perforated galvanised iron plate.

The tank may be made of brick or any other suitable material ; it should be made water-tight by cement, and its cover be provided with a man-hole, for the purpose of occasional cleansing. The effect of the filtered sewage upon vegetation is fully equal, I find by experience, to anything I have before witnessed. In the case of the garden we had to contend with the effects of a poor soil and a newly-formed garden. (The kitchen-garden was only first laid out in March 1848.) Our asparagus, rhubarb, and sea-kale beds have been all copiously irrigated with this liquid, and their growth has been such as to attract the notice of every one who has visited the garden. The effect upon cabbages and others of the Brassica tribe

is most powerful; my gardener waters with it all the newly-set plants, and their rapidity of growth is fully equal to what might have been expected from such grossly-feeding plants. We have not found any kind of plant to which it may not be advantageously applied, either flowers, evergreen, fruit or timber trees. To young plants of all these we have applied it, and in every case with the most marked advantage.

IV. *The Effect of the Sewage of a single House on a Grass Plot.*—The word "irrigation" too naturally induces the cultivator to remember only the meadow lands lying by the banks of copious streams; or, if he extends his views to the far more valuable system of sewage irrigation, he as naturally thinks of those favoured meads adjoining populous places—towns whose sewage is available in copious supplies. This, however, is taking a very limited view of the value of sewage irrigation, even on a small plot of ground to a farm. There are very many situations where the farmhouse is situated at such an elevation as to admit of its sewage being carried by its own gravity on to desirable lands adapted for the formation of watered plots of grass; and although the plots which are thus watered must be of limited extent, if they have to rely upon the house sewage *only*, yet where there is an available spring of water to dilute the sewage, or the steam engine can be employed, in that case plots of grass may be readily watered to 'an extent worthy of most farmers' attention; for not only is one rood of such a mead fully equal in produce to three of ordinary pasture land, but it furnishes grass for the purpose of soiling, not only early in the spring, but late in the autumn—periods when it is not procurable from any other source.

As I observed on another occasion (*The Cottage Gardener*, edited by G. W. Johnson, vol. v. p. 39), the advantage of applying house sewage to grass has long been known to be very considerable. For the purpose of testing the various little points of detail which might arise when carried on on a small scale by small landholders, I laid down the turf on a plot of grass in my garden, near Croydon, in February and March 1850. This was only sixteen yards long and thirteen yards broad. The bed, therefore, contains only about 208 square yards, and is surrounded by a raised border of turf about two inches high, to prevent the escape of the irrigating sewage; and for a similar purpose the bed is divided by two turfed ridges of about the same size into three compartments. These ridges would have been repeated crosswise, so as to divide the bed into nine compartments

(to suit the size of our beds to the bulk of our sewage), had we not wished to avoid impeding the action of the scythe, the whole produce being intended for the soiling of a pony. Soon after the bed was formed, earthenware pipes of about two inches bore were laid down, extending from a tank constructed on some higher ground than the grass plot, the contents of which, whenever the tank is sufficiently filled, is allowed (by the lifting of a plug) to flow on to the grass—the orifice of the pipe from whence the sewage issues being about eight or nine inches above the level of the turf. From this pipe the sewage is distributed, by means of an open wooden trough, to any part of the plot that is just cleared. Our practice has been to cut sufficient grass for two days' consumption, and then, immediately the grass is removed, to direct on to the cleared space all the sewage which has accumulated since the last cutting, occasionally adding to its bulk by allowing some pump water to flow for a minute or two from the sink through the house-pipe drain into the tank. By this plan the collateral advantage has arisen, that the sewer-pipe, tank, and delivery-pipe, as well as the house sewage itself, by being so constantly cleansed or removed, has not time to undergo putrefaction. The plan, therefore, is carried out (generally the first thing in the morning) without any of the inmates or visitors to the house being aware that such a manuring is systematically going on. The result, in fact, shows that the noxious effluvia from sewers arises not as a necessary result of the matter conveyed in them, but from their ill-construction, and the barbarous practice of allowing the long accumulating contents of overflowing cesspools and choked drains to flow into them.

The general result of this little experiment has been such as to induce me to confidently and warmly recommend the repetition of the plan to such of my readers who are so situated that the contents of their house-tanks can be directed by its own gravity on to a conveniently-placed grass-plot. The herbage produced by this mode is not only exceedingly luxuriant, but the pony and some goats we notice decidedly prefer it to either lucern or meadow grass produced without irrigation; and the same remark is made by one of my neighbours, who has a field irrigated with the water of the river Wandle, which contains occasionally a notable portion of the drainage of the town of Croydon.

It is perhaps of little use (as our turf was only laid in March) to report one season's produce of grass; still, as we have kept an account of it, it may be cheering to the reader to have the account. The grass was not ready to cut the first time until May 25th, since the turf had to establish itself, and to contend with dry weather. The weight and the days of cutting were as follows:—

	lbs.
May 25	28
" 27	40
" 30	42
June 1	50
" 3	60
" 8	65
" 10	50
" 12	50
" 15	50
Total.....	435

The ground was then irrigated, as I before described, only once. It began to grow again *immediately*, and kept on in spite of a very dry season, which *parched up all the surrounding* grass lands. By July 27 it was ready to cut again—the produce being evidently better than before. The days of cutting, and the weight of this second crop, were then—

	lbs.
July 27	75
" 30	65
Aug. 1	55
" 3	40
" 5	60
" 7	50
" 8	40
" 10	75
Total.....	460

The same plan was a third time carried on of cutting and irrigating; the same dry weather still attended us, and the same growth of grass took place. On the 1st of October the cutting of our third crop of grass was commenced. The produce was as follows:—

	lbs.
October 1	70
" 5	50
" 7	50
" 9	50
" 11	50
" 14	45
" 15	45
" 18	45
Total.....	405

270 *Effect of the Sewage of a single House*

The same immediate irrigation was applied to the land, and the same rapid shooting of the grass for the fourth time took place. The reader will remark that we thus secured three crops, and lost the time (in February and March) sufficient for the growth of a fourth; but, omitting that from our calculations, we have mown 1,295 lbs. of grass off 208 square yards of land since the turf was first laid in March, or at the rate of $12\frac{1}{4}$ tons per acre.

The produce of the grass from this plot, in 1851, showed clearly that the land had increased in fertility by this system of irrigation. The first cutting was as follows:—

May 23	.....	Grass cut	.....	70 lbs.
„ 26	.....	„	.....	80
„ 29	.....	„	.....	70
„ 31	.....	„	.....	80
June 3	.....	„	.....	80
„ 5	.....	„	.....	30
„ 7	.....	„	.....	60
„ 9	.....	„	.....	60
„ 11	.....	„	.....	100
„ 14	.....	„	.....	60
„ 16	.....	„	.....	60
Total.....				750

or 315 lbs. more than the first cutting in 1850.

The second crop yielded the following weight of grass:—

July 24	.....	100 lbs.
„ 28	.....	100
„ 31	.....	90
Aug. 2 & 4	.....	80
„ 5	.....	80
„ 19	.....	70
Total.....		520

or 60 lbs. more than the second cutting in 1850. The third crop is now (September 1) growing rapidly. If we allow another 520 lbs. for the third crop, we shall have this year mown 1,790 lbs. of grass from the 208 square yards, or at the rate of more than $18\frac{1}{4}$ tons of grass per acre.*

The produce would be far greater if we had a greater bulk of sewage to bestow upon it. This is indicated by the superior luxuri-

* Owing to the continued drought of the last autumn, the produce was 405 lbs., or only 5 lbs. more than the third crop of 1850. This, however, makes the produce of grass in 1851 about 17 tons per acre.

ance of the grass growing around the troughs, from which some of the sewage occasionally overflows in its way to other portions of the grass plot, and to land devoted to other crops.

V. *The quantity of Sewage required in Irrigation—its distribution by the steam engine—deodorizing powers of the soil.*—It is only very recently that it has been shown that soils possess very considerable deodorizing power—a property highly useful in the use of sewer water in irrigation. For this discovery we are indebted to Professor Way. He has ascertained the extent to which the impurities of irrigation water are absorbed or deodorized by the soil. The inquiry is equally interesting and important in a sanitary and an agricultural point of view. (*Jour. R. A. S.*, vol. xi. p. 318.) He examined some sewage water, both before and after it had passed through six inches of a red soil from Mr. Pusey's estate in Berkshire. The following valuable little table will show (in grains) what a gallon of this foul water contained, both before and after filtration:—

	Before.	After.
Organic matter and salts of ammonia	301.82	—
Organic matter, destitute of nitrogen	—	60.58
Sand, &c.	20.69	—
Soluble silica	12.51	—
Phosphoric acid	10.44	—
Sulphuric acid	14.73	—
Sulphate of lime	—	17.49
Carbonic acid	15.59	—
Lime	24.53	—
Carbonate of lime	—	104.98
Magnesia	2.87	—
Peroxide of iron and alumina	6.20	—
Potash	48.13	—
Soda	1.51	—
Chloride of calcium	—	8.89
Chloride of magnesium	—	0.67
Common salt	33.24	52.73
Loss on the analysis	—	3.16
	<hr/> 492.26	<hr/> 248.50

The result of this experiment, observes the Professor, is most gratifying. For independently of the matters which are mechanically arrested, we find that the soil retains the greater part—in most cases the whole—of those ingredients of manure upon which we are accustomed to place the most value. And the extent of this power is

enormous. Calculating a soil to be thus saturated 10 inches deep, 1,000 tons or 224,000 gallons of this sewer water might be distributed over it, and the water would have passed away by the drains deprived of its principal manuring properties. This calculation pretty well accords with the experiments of M. Schubler. (*Jour. R. A. S.*, vol. i., p. 182.) The following table gives the weight of water, in lbs., in a cubic foot of various saturated earths:—

Calcareous sand	31.8
Siliceous sand	27.3
Gypsum powder	27.4
Sandy clay	38.8
Loamy clay	41.4
Stiff clay	45.4
Pure grey clay	48.3
Pipe clay	47.4
Fine carbonate of lime	47.5
Fine carbonate of magnesia	62.6
Garden mould	48.4
Arable soil	40.8
Fine slaty marl	35.6

If we calculate the mean amount of water in these thirteen varieties of saturated soils to be equal to 42 lbs. per cubic foot of earth, or 378 lbs. per square yard of soil a foot deep, then 378×4840 , the number of square yards in an acre, gives 1,827,720 lbs. of water needed to saturate an acre of perfectly dry land to the depth of one foot = about 816 tons. If we suppose that the saturation of the soil need only extend to a depth of nine inches, then about 543 tons of water would be sufficient; if to a depth of six inches, then 408 tons.; and if to only four inches, then 273 tons would suffice. It appears from the report of Dr. Stark (*On Sewer Manure, by Chadwick*, p. 49), that the meads near Edinburgh are irrigated by the city sewage about eighteen times in a year. If we calculate that on an average of months 250 tons of irrigation water would suffice to saturate the (always partially, and sometimes thoroughly moistened) soil, then it would require 4,700 tons of water to give these eighteen irrigations to an acre of land. Now, supposing that it is contemplated to raise this bulk of water from a lower level on to the surface of the soil, then the following observations, for which we are indebted to Messrs. Ransome and May, of Ipswich, will aid the landholder:—
 “The subject of lifting water for irrigation (remark these eminent engineers) is one of considerable interest, particularly to farmers of grass land, and a few data to guide them in estimating the probable cost may not be unacceptable. The greatest effect produced by the consumption of coal in lifting water is found in the Cornish pump-

ing engines, and the average of those reported in June, 1851 (being 25 engines), is 62,000,000 lbs. lifted one foot high by the consumption of 1 cwt. of coal. These engines are very large; the steam is used expansively and condensed, and every appliance adopted to economise fuel. Probably we shall not be far from an average if we estimate that the small engines used for agricultural purposes will not perform more than about one-fourth of this 'duty,' or say 16,000,000 lbs. of water lifted one foot high with 112 lbs. of coal. It must be understood that the same fuel will lift half the water to twice the height, or one-fourth the water to four times the height, and so on. Now, suppose we have to lift the water from a stream to the highest part of a field, which is found to be at an elevation of ten feet, then 112 lbs. of coal will lift one-tenth of 16,000,000 lbs. of water, or 1,600,000 lbs. to that height. A gallon of water weighs 10 lbs., and therefore 160,000 gallons will be lifted; or as 224 gallons weigh one ton, 714 tons of water may be pumped up ten feet high with the consumption of only 1 cwt. of coal, and this is almost exactly equal to an inch in depth over seven acres, or an average fortnight's rain in the southern and midland counties of England. For any height of lift up to about fifteen feet probably Appold's pump will be the best, and beyond that height the ordinary lift pump may be employed with more advantage. In cases where a small stream can be dammed up so as to give a fall of a few feet, say seven or more, the hydraulic ram may be advantageously employed, as this raises water without any expense but the first cost of the machine and an inconsiderable amount for the wear and tear. The subjoined table gives the gallons of water which may be lifted to various heights by the consumption of 112 lbs. of coal, the pumping apparatus being good and adapted to the power of the steam engine, calculated upon the preceding datum of 16,000,000 lbs.:—

Height.	Gallons.	Height.	Gallons.
1 foot	1,600,000	9 feet	177,777
2 feet	800,000	10 feet	160,000
3 feet	533,333	11 feet	145,454
4 feet	400,000	12 feet	133,333
5 feet	320,000	13 feet	123,076
6 feet	266,666	14 feet	114,444
7 feet	228,571	15 feet	106,666
8 feet	200,000	16 feet	100,000

See *post*, p. 283.

VI. *The Composition of some of the River Waters used in Irrigation.*—There is perhaps hardly a single mode of raising grass

so simple and so profitable, yet so little regarded in many districts, as by irrigation. The farmer whose land has naturally the command of a good stream of water, or who collects and stores in reservoirs an adequate supply for the use of his grass, possesses in fact an advantage, even if his mead is of very limited extent, that can hardly be too highly valued. It is one, let the cultivator remember, not confined to the growth of copious summer crops of green food for soiling of the best kind, but the supply of manure for the farm from this source is large and uniform; the live stock on such farms being better fed, their manure keeps steadily adding fertility to the land. I am quite sure that much more would be accomplished in the way to which I allude, if the landowner did but reflect upon the value of such meads, and the ease with which, in so many situations, they are constructed on soils having a tolerably porous or readily-drained substratum. Let them banish from their minds the conclusion that it is only waters distinguished for their richness in organic matters, or the salts of lime, that are adapted for irrigation. It is true that the banks of the bright rivers of the great southern chalk formation are remarkable for their noble water-meadows, and that those waters which receive the sewage drainage of towns are still valuable; but the result of all recent researches evinces that, if the stream is copious in extent, then the smallness of the proportion of solid matter which its water contains is no obstacle to its use for the production of grass. Let us, then, take a brief glance at what more than one great farmer has, within these last few seasons, been enabled to accomplish successfully in this manner; and let us, for our effort to be the most useful, examine what has recently been done in this way first with some of the sewage-enriched lowland waters, and then see what in other districts has been accomplished with those of even the purest and most upland mountain streams. The detail, for instance, of the great improvements carried on at Clipstone Park, by his Grace the Duke of Portland, is full of interest. As I have in another place remarked, these meadows, which extend over about 300 acres of the naturally poor soil of Selwood Forest, are thus described by Mr. J. E. Denison (*Jour. R. A. S.*, vol. i., p. 359): "The eye, after wandering through the glades of the forest, and resting on the brown carpeting of fern and heather with which it is clothed, is amazed on coming suddenly in view of the rich green meadows extended for miles before it, laid in gentle slopes and artificial terraces, and preserved in perpetual verdure by supplies of water perpetually thrown over their surface. The land immediately occupied by these meadows was, in its wild state, a line of hill-sides, covered with gorse and heather—a rabbit warren, over which a few sheep wandered—and a swampy valley below, thick set with hassocks and rushes, the favourite haunt of wild ducks and snipes, through which

the little stream, the Maun, wound its way in its descent from the town of Mansfield. The whole track, both upland and lowland, is of very little value. The valley was in many parts from nine to ten feet deep in bog, and almost worthless: the hill-sides varied in quality, but 80*l.* a-year would have been a full rent for the 300 acres. Indeed, the whole of the Clipstone Park farm, when taken in hand in the year 1816, containing 1,487 acres, had been let for the sum of 346*l.* In the year 1819 it occurred to the Duke of Portland that by following the stream up towards its source, and tapping it at a high level, the water might be carried over the surface of the dry and sterile hills, its course through the valley might be straightened, and the bog drained." It is needless to follow in detail the progress of the works: that they were successful is evinced by the fact of their present high rental as given by Mr. Smith. That the sewage matters of the town of Mansfield have materially aided in this great result is proved by the evidence of Mr. Tibbett, their intelligent manager; for Mr. Denison says in another place—"The quality of the water is very important; soft water is the best—mineral waters, and waters from peat, mosses, and bogs, are found to be injurious. After strong rains, the washings of the streets and sewers of the town of Mansfield, which discharge themselves into the Maun, give great additional efficacy to the water. It will sometimes deposit a sediment in one watering of the thickness of a sheet of paper."

When Mr. James Smith (of Deanston) was giving his evidence before the Committee of the Metropolitan Sewage Company, he said, when speaking of these meadows, "I have seen the Duke of Portland's meadows—the land was very poor sandy land. It cost the Duke, I believe, 30*l.* per acre to bring the land into a proper form for irrigation; but it was land, I understood, not worth 4*s.* 6*d.* per acre before; and it now carries so many crops a year, that even in that distant neighbourhood he lets the land which is nearest the town, and receives the sewage water in its best condition, at 14*l.* an acre; the land at a greater distance he lets at 5*l.* an acre."

Leaving, however, the consideration of the meads watered by streams containing a portion of sewage matters, let us note the effects produced by waters of a purer description, and it will be well if we refresh our memories by referring to the analysis of a few spring waters. Several of these have recently been examined by Professor Johnston (*T. H. S.* 1847, p. 50; *Johnson and Shaw's Farm Almanac*, 1840, p. 27). In an imperial gallon of various spring and brook waters he found—

Locality.	Solid matter.	Silica.
Renfrewshire	7.44 grains.	0.16 grains.
"	10.64 "	0.88 "

Locality.	Solid matter.	Silica.
Montrose (near)	11.36 grains	1.76 grains
"	22.32 "	2.56 "
Alloa (near)	12.75 "	1.56 "
Edinburgh (near)	16.20 "	0.60 "
"	23.40 "	2.20 "
Durham (county)	26.80 "	1.15 "
"	15.56 "	0.32 "
"	17.08 "	1.20 "
Inverness	5.69 "	0.40 "
Berwickshire.....	23.40 "	1.00 "

It was with the water of some rills, containing a much less proportion of solid matters than any of these, that the successful attempts of Mr. W. Simpson, of Glenythan, in Aberdeenshire, have been made (*Ibid.*, p. 44). The consideration of the small amount of foreign matter present in such waters will be useful before we next proceed to consider the value of land-drainage water in irrigation. And let us not forget that for the purpose of water meads, the collected land-drainage of the farm has long been successfully used by Lord Hatherton, at Tedsley.

VII. *The Amount and Composition of Land-Drainage Water.*

—The losses which are sustained in the soluble matters of the soil carried off by land-drainage are much more considerable than is commonly supposed. And yet the largeness of the amount affords, indeed, another strong argument in favour of the necessity for returning to the soil, in some form or other, those substances which the drainage waters remove from it. This loss includes not only the substance dissolved by and carried off in land-water, but in the drainage of the farm-yard and the soakage of the compost heaps. First, then, as to the land-water, let us commence by noting the largeness of the amount of water which commonly drains or filters from the soil, before we proceed to inquire as to the substances, and their amount which it dissolves and carries away. We find from the experiments of Mr. John Dickenson, of Abbot's Mill, near King's Langley, in Hertfordshire, that the amount and the way in which it was removed from the soil in eight years was as follows (*Journ. R. A. S.*, vol. v., p. 151):—

Years.	Rain. Inches.	Filtration. Per cent.	Evaporation. Per cent.	Rain, per acre. Tons.
1836 ..	31.00	56.9'	43.1	3,139
1837 ..	21.10	32.9	67.1	2,137

Years.	Rain. Inches.	Filtration. Per cent.	Evaporation. Per cent.	Rain, per acre. Tons.
1838 ..	23.13	37.0	63.0	2,342
1839 ..	31.28	47.6	52.4	3,168
1840 ..	21.44	38.2	61.8	2,171
1841 ..	32.10	44.2	55.8	3,251
1842 ..	26.43	44.4	55.6	2,676
1843 ..	26.47	36.0	64.0	2,680
Mean	26.61	42.4	57.6	2,695

The mean amount of rain, although varying in different months, may be seen in the following table: yet, for the purposes of our present inquiry, this fact hardly affects the result of the research. The mean amount of each month in the eight years between 1836 and 1843 was, in inches:—

Months.	Rain.	In inches.	
		Filtration.	Evaporation.
January	1.847	1.307	0.540
February	1.971	1.547	0.424
March	1.617	1.077	0.540
April	1.456	0.306	1.150
May	1.856	0.108	1.748
June	2.213	0.039	2.174
July	2.287	0.042	2.245
August	2.427	0.036	2.391
September	2.639	0.369	2.270
October.....	2.823	1.400	1.423
November	3.837	3.258	0.579
December.....	1.641	1.805	0.164
Total.....	26.614	11.294	15.320

We find, then, that in Hertfordshire about 1,100 tons of rain-water annually drain away from an acre of land. That this rain-water carries away a very considerable amount of soluble substances, and that saline manures applied to the soil are thus reduced to a large extent in their amount, is not only reasonable to conclude, but has been shown by the results of various experiments. Those of Mr. John Wilson, carried on in the autumn of 1844, in East Lothian, were of this kind. He observes (*Agricultural Gazette*, 1847, p. 461), that the usual quantity of rain had fallen during a winter fallow, when, on the 29th of April, he collected a specimen of water flowing from a land-drain; immediately after this sample was taken, the field was sown with barley, and top-dressed with guano. A few days afterwards, a second sample of water was taken from the same drain. On examining these it was found that 18 lbs. of the first specimen contained 15.2 grains of solid matter, and the same

quantity of the second 27.5 grains. These, upon being analysed, were found to contain—

	April 29.	May 16.
Organic matter and water	3.4	7.8
Silica	0.9	0.7
Silicate of alumina	0.4	0.2
Chloride of magnesium	1.12	—
Common salt	1.8	2.61
Carbonate of lime	—	2.7
Chloride of calcium	3.0	2.10
Sulphate of alumina	0.85	—
Peroxide of iron	2.1	2.25
Magnesia.....	—	1.69
Phosphate of lime	0.3	3.1
Phosphate of magnesia.....	—	1.8
Phosphate of alumina	—	0.45
	<hr/> 13.87	<hr/> 25.41

The turbid portion of the drainage water first discharged from the soil, after heavy rains, being examined by Mr. Wilson, was not found to differ materially in composition from the soil which it drained; it held, however, less silica, and more lime, the matter deposited by the turbid water containing, per cent.—

Silica	60.0
Silicate of alumina	17.5
Protoxide of iron.....	6.5
Sulphate of lime	9.4
Sulphate of magnesia	0.75
Phosphate of lime	0.6
Alumina	4.0
Water, &c.....	1.25

We have found, then, that from an acre of land in Hertfordshire, about 1,100 tons of water are annually drained, and taking the solid contents of the water to be equal in amount to the East Lothian drainage water examined by Mr. Wilson, every pound weight of this removes from the land about one and a half grains of saline and finely-divided matter.

This is the case of the farm drainage in its weakest state—that from the farm-yard, it is true, is far less in bulk, but then it is very considerably more concentrated. “Both theory and experiments,” remarks Professor J. F. Johnston (*Trans. H. S.* 1846, p. 187), “show this liquid to be very valuable as a manure, and it has been long known to contain substances fitted in a marked degree to promote the growth of plants; still no analyses, so far as I am aware,

have hitherto been made of the liquid in the state in which it actually exists in our farm-yards, and in too many instances runs to waste. It was, therefore, with much satisfaction that I received two bottles of liquid manure for analysis from Mr. Houldsworth, of Coltness, near Hamilton. The liquid contained in the first bottle consisted of the drainings from heaps of cow-dung exposed to rain. It was dark-coloured, and of course contained only what rain-water is capable of washing out of such heaps. It was neutral, but ammonia was given off when it was boiled, or when quicklime was added. An imperial gallon of these drainings, when evaporated to dryness, left about 480 grains or an ounce weight of dry solid matter. This solid matter consisted of—

	Grains.
Ammonia	9.6
Organic matter	200.8
Inorganic matter (ash)	268.8
	<hr/>
	479.2

The inorganic portion consisted of—

	Grains.
Alkaline salts	207.8
Phosphates of lime and magnesia, with a little phosphate of iron..	25.1
Carbonate of lime (chalk)	18.2
Carbonate of magnesia	4.3
Silica (flint) and a little alumina (clay)	13.4
	<hr/>
	268.8"

In dwelling upon the extent, composition, and uses of land-drainage water, it is cheering to find the excellent results produced upon the health of live stock and of the inhabitants of the district by its more perfect removal from the land. An instance of this is given by Mr. Robert Neilson, of Hallwood, in the Appendix to a draft Report on Suburban and Land Drainage, by one of the Assistant Surveyors of the Metropolitan Commissioners of Sewers, p. 63. He observes—"In the Altcar meadows, belonging to the Earl of Sefton, a low level district about eight or ten miles north of Liverpool, a water-wheel was erected about five years ago for the purpose of relieving the land from inundation, and though thorough drainage has been very little adopted, the inhabitants already speak of the increased salubrity of the locality, while the equally increased fertility of the land has created a marked improvement in the condition of the stock. In my own neighbourhood, some low flat land, of

a stiff clay soil, and lying extremely wet, always had a scouring effect on the young stock turned on it in spring, and no application of manure produced any alteration. It was drained, and without any other change in the management, the same species of stock thrived on it extremely well."

VII. *The Drainage from Domestic Animals—Urine.*—Some recent evidence, especially that by Mr. Dickenson on the use of the urine of the horse on a rye-grass pasture, entirely supports the views I have before brought before my readers. I feel convinced that the use of the urine of the live stock, and the sewerage of the farm-yard, would be much more attended to than it is in general if its value was better understood. Of its use for grass land, too, no farmer to whom I address myself will entertain any doubt. It is its careless application—the incorrect mode of *distributing* it on the land, that is the great cause of its neglect. There are several ways of successfully accomplishing this,—as by ordinary irrigation, the pump worked by a steam engine, or by a water-cart. In every case where a sufficient fall can be obtained (especially if a streamlet or beck of water can be made available to increase its bulk), its use in irrigation is most certainly in every respect the best.

The grazier must discard from his mind any fear that the *dilution* of the urine destroys its power or its usefulness. It is proved by those who have tried it (a result entirely supported by my own experience), that the great danger is by the application of such liquid matter by way of irrigation in too concentrated a state. When, however, it is necessary to apply it to grass land by means of a water cart, then the more concentrated the fluid the more is the expense of the cartage diminished. In this mode of application, to attain the advantages of dilution, it is only necessary to select a rainy period for the operation. I feel assured that if my agricultural readers would but consider the great produce of grass meads thus watered, and commenced their operations in convenient localities on only a small scale, they would speedily, from their success, find means for extending these highly useful plots of grass.

In this way, many years since, near Glasgow, Mr. William Harley commenced. He employed the urine of the cow, in that rainy locality, in its undiluted state. This he distributed over his land by means of a fire-engine or water-cart. The result is stated by him (*Harlian Dairy System*, p. 64) to have been excellent; that in fact the grass of the fields thus irrigated was cut five or six times a year, and though not very long in the blade, was abundant in its weight: it was so thick, indeed, that it would have rotted if it had

not been cut often. The first cutting generally commenced about the middle of April, and was continued once a month. The best plan was found to be to cut the grass during the day when the weather was wet or moist; but when it was dry, then it was cut late at night or early in the morning, and the field irrigated immediately after being cut. Occasionally the land was irrigated during the night. At Glasgow, at the period to which I am alluding, there was a public washing-house adjoining the dairy; all the soapsuds produced in this house was drained into a tank, and applied in the same way as the urine, and sometimes the two liquids were mixed together; or if the weather was very dry, the urine was diluted with water. Both urine and soapsuds were applied to the watering of fruit trees, to strawberries (I can assure my horticultural readers that if they will try the experiment with their strawberries, they will very soon be assured of the advantage of the plan) and in the destruction of worms.

It is evident, too, from the experience of Mr. W. Dickenson (*Jour. R. A. S.*, vol. viii., p. 580), that it is not necessary to have a light, or even a moderately loamy soil, with a porous substratum, for this operation. He says, when recounting his valuable experience of the effects of the urine of the horse as a liquid manure on a variety of the Italian rye-grass, "My land is clay 250 feet deep; in this soil only have I had experience, so for this only do I prescribe." In referring to his experience of "a new method of cultivating a peculiar plant, whereby nine or ten crops of excellent green food had been obtained between March and December, being cut in the former month, and watered with liquid manure, consisting of one-third of horse urine and two-thirds of water, distributed from a London street water-cart, passing once over the plant immediately after the grass was cut, one watering being sufficient for one crop," he continues—"Nos. 31 and 32 are London clays without drainage, with bad crops; upon this soil, moderately under-drained, my experiments were commenced, and have been carried on. I have never failed to produce every year from a portion of grass not kept for seed, from seven to ten crops." And speaking of his variety of the Italian rye-grass, he adds, "I have been convinced for some time that it luxuriates in a dry subsoil rather than in non-retentive, that it will grow rapidly in the strongest clays if not poisoned with stagnant water, and that it grows fast in any light soil well irrigated with liquid manure. I have grown it in sand from the sea-shore, moistened with liquid manure." The dressings he places in the following order:—1. Urine decomposed in a close tank, one-third urine; water, or dung water, two-thirds. 2. Guano, two or three cwt. dissolved in 3,300 gallons of water for an acre. "I do not," Mr. Dickenson remarks, "place guano as an equivalent to urine;

I place it as a substitute when urine has not been saved in sufficient quantity. Urine," he continues very correctly, "may be had in large quantities on every farm, by constructing, as a preliminary step, capacious tanks, and draining the stables, cattle-sheds, sewerage of the house, &c., into them."

Even the urine of the sheep is rendered available in the formation of artificial mixtures of urine with water, for liquid manure, by the shed or the yard system of feeding. A considerable amount of labour in the application of liquid manure may in many instances be saved by the use of a forcing pump, in the manner already successfully adopted in several portions of England and Scotland. (A tabular account of these by Mr. Lee, will be found in the next little section.)—See *ante*, p. 273.

But I need not multiply instances of the various modes by which liquid manure may be profitably prepared by the practical English farmer. It is a source of riches which, varying his mode of operation with the circumstances in which he is placed, is much too valuable to be long neglected. In such improvements as these, too, let him remember, he is not adventuring his time and his capital on untried fertilisers; he is merely saving and applying the proportion of those powerfully-enriching fluids which have been hitherto allowed to be profitlessly absorbed by the bottom of the farm yard, or, perhaps still more noxiously, by the ditch which surrounds his premises.

VIII.—*The General Results of Sewerage Irrigation in England and Scotland.*—The following table was prepared by Mr. William Lee, Superintending Inspector to the General Board of Health; and is contained in his valuable report on the application of Sewerage Water and Liquid Manures to Irrigation and other branches of Agriculture.—(*Minutes of information on the application of Sewer Water and Town Manures to Agricultural Production, by the General Board of Health*, p. 129.)

TABLE No. 1, showing Cost, &c. of the Application of SEWERAGE WATERS and LIQUID MANURES AT PLACES visited in SCOTLAND.

Name of place.	No. of Acres, Scotch.	Mode of application.	Cost of works, and apparatus.	Annual Interest, &c., at 7½ per cent.	Annual working expenses.	Total annual charges per acre.	Observations.
EDINBURGH.							
Craigentinny Meadows:							
High Level - -	50	{ Steam engine, pumps, and open gutters and panses - }	£. s. d. 2,000 0 0	£. s. d. 150 0 0	£. s. d. 117 12 0	£. s. d. 5 7 0	{ Average rental 20l. per acre. { Worthless 25 years ago, now worth 660l. per acre. { Maximum rental, 31l. per acre.
Sea Meadows -	30	{ Gravitation, open gutters and panses - - - - }	700 0 0	52 10 0	19 17 6	2 8 3	{
Old Meadows -	180	Ditto - - - - -	2,700 0 0	202 10 0	119 5 0	1 15 9	{
GLASGOW.							
Mr. Harvey's farm	400	{ Steam engine, pumps, underground iron main pipes, and iron distributing pipes }	1,450 0 0	108 15 0	240 10 0	0 17 6	{ 10 feet thick of grass cut from an acre in six months. { 70 tons of grass cut from an acre in six months.
AYRSHIRE.							
Myer Mill farm -	400	{ Steam engine, pumps, underground iron mains, gutta percha hose, and jet pipe }	1,586 0 0	118 19 0	162 10 0	0 14 0	{
Canning Park farm	40	Ditto - - - - -	210 0 0	15 15 0	11 0 0	0 13 4½	{ 14½ feet thick of grass cut in seven months. { 12 stacks per annum previously; 80 stacks last year.
Leg or Dunduff farm - - - -	40	{ Gravitation, underground iron mains, gutta percha hose, and jet pipe - - }	191 0 0	14 6 6	3 10 0	0 8 11	{

TABLE No. 2. showing Cost, &c. of the Application of SEWERAGE WATERS and LIQUID MANURES.

Name of Place.	No. of English acres.	Mode of application.	Cost of works, and apparatus.	Annual interest, &c. at 7½ per cent.	Annual working expenses.	Total annual charges per English acre.	Observations.
ESSEX.							
Oralghenthy Meadows:							
High Level	63	{ Steam engine, pumps, and open gutters and pases	£. s. d. 2,000 0 0	£. s. d. 160 0 0	£. s. d. 117 12 0	£. s. d. 4 4 11	{ Average rental, upwards of 16 <i>l.</i> per English acre.
Sea Meadows	38	{ Gravitation, open gutters and pases	700 0 0	53 10 0	19 17 6	1 18 1	{ Worthless 25 years ago, now worth about 60 <i>l.</i> per English acre.
Old Meadows	228	{ Gravitation, open gutters and pases	3,700 0 0	293 10 0	119 5 0	1 8 2½	{ Maximum rental, 25 <i>l.</i> per English acre.
NOTTINGHAMSHIRE.							
The Duke of Portland.							
Clippstone Meadows	300	{ Catch-meadow, gravitation and open gutters	26,000 0 0	2,700 0 0	150 0 0	9 10 0	{ Previously worth from 2 <i>l.</i> to 4 <i>l.</i> per acre per annum, now worth upwards of 12 <i>l.</i>
Witley Meadows	150	{ Bed-work of ridge and furrow, gravitation and open gutters	3,000 0 0	285 0 0	53 10 0	1 17 0	{ Four heavy crops of grass per annum.
DEVONSHIRE.							
The Duke of Bedford.							
Tavistock Meadows	90	{ Bed-work and catch-meadow, gravitation and open gutters	1,133 0 0	83 14 6	67 10 0	1 14 8½	{ Land more than quadrupled in value after only five years' irrigation.
BRACKNELL.							
Philip Pusey, Esq., M.P.							
Pusey Meadows	100	{ Catch-meadow, gravitation and open gutters	445 0 0	33 7 6	37 13 4	0 14 3	{ Land not previously worth more than 10 <i>l.</i> per acre, yielding six heavy crops of grass per annum.
GLASGOW.							
Mr. Harvey's farm.	508	{ Steam engine, pumps, underground iron main pipes, and iron distributing pipes	1,450 0 0	108 15 0	240 10 0	0 13 9	{ 10 feet thick of grass cut from an acre in six months.
ATHERINE.							
Myre Mill farm	208	{ Steam engine, pumps, underground iron main, gutta percha hose, and jet pipe	1,836 0 0	118 12 0	103 10 0	0 11 1	{ 70 tons of grass cut from an acre in six months.
Canning Park Farm	50	{ Gravitation, underground iron main, gutta percha hose, and jet pipe	210 0 0	15 15 0	11 0 0	0 10 8½	{ 14½ feet thick of grass cut in seven months.
STAFFORDSHIRE.							
The Duke of Sutherland.							
Hanchurch farm, near Trentham	50	{ Steam engine, pumps, underground iron main, gutta percha hose, and jet pipe	191 0 0	14 6 6	3 10 0	0 7 1½	{ 12 stacks per annum previously; 30 stacks last year.
LANCASHIRE.							
Halewood farm	130	{ Steam engine, pumps, underground iron main, gutta percha hose, and jet pipe	530 13 4	39 1 0	18 6 0	0 13 9½	{ Tanks constructed sufficient for 300 acres.
CUMBERLAND.							
Liscard farm	150	{ Ditto	521 13 0	39 3 6	19 15 3	0 9 9½	{ One dressing of liquid, equal to 25 to 30 tons of farm-yard manure per acre.
GLAUCOMANSHIRE.							
Porth Korry farm	50	{ Gravitation, underground iron main, gutta percha hose, and jet pipe	673 1 10	50 8 0	17 11 0	0 9 8½	{ A fourth crop of grass being weighed was found equal to 10 tons per acre. It was the lightest crop cut off the main land.
			200 0 0	23 10 0	10 0 0	0 13 0	{ Tanks constructed sufficient for 30 acres. Between 9 and 10 feet of grass cut.

LIST OF FORMS

Required under the "Public Health Act, 1848,"

PUBLISHED BY

CHARLES KNIGHT, 90, FLEET STREET,

Under the authority of the GENERAL BOARD OF HEALTH.

		£	s.	d.
A—ELECTION FORMS.				
1.	Appointment of Proxy by Company	per 100	0	4 0
2.	Owner's Statement of Qualification for Company	per 100	0	7 6
3.	Proprietor for Individual	per 100	0	4 0
4.	Alphabetical Lists of Voters	per quire	0	5 0
5.	Notice of first Election (large Placard for posting)	per 100	0	10 0
5.*	Notice of subsequent Election (ditto)	per 100	0	10 0
6.	Nomination Paper	per 100	0	4 0
7.	Voting Paper	per 100	0	7 0
8.	Notification to the Persons Elected	per 100	0	4 0
9.	List of Persons Elected	per 100	0	7 6
10.	Poll Book	each	0	3 6
11.	Collector of Voting Papers Book	each	0	1 6
B	1. Minute Book and Journal	each	1	10 0
	2. Declaration of Members of Local Board before acting	per quire, 48 forms	0	3 0
	3. Notice of an Ordinary or Adjourned Meeting of Local Board	} per quire, each, 24 forms	0	1 6
	4. Notice of an Extraordinary Meeting of Local Board			
	5. Notice of Audit	48 forms	0	3 0
C	6. Letter Book	each	0	16 0
	Ledger	each	1	5 0
D	1. Bond for Treasurer	each	0	0 6
	2. Bond for Collector	each	0	0 6
E	1. Treasurer's Cash Book	each	0	16 0
	2. Treasurer's Pass Book	each	0	4 6
RATES.				
F	1. Notice of Intended Rate	per quire, 48 forms	0	3 0
	2. Notice of Rate having been made, in Books containing 50, with counterpart	each	0	2 6

RATES—continued.

			£	s.	d.
F	3. Notice to Occupier of Amended Rates, in Books containing 50, with Counterpart	each	0	2	6
G	1. General District Rate Book } books of 1 quire, each		0	4	0
	2. Special ditto } " 2 quire, each		0	6	0
	3. Private Improvement Rate Book } " 3 quire, each		0	7	6
	4. Water Rate Book } " 1 quire, each		0	4	6
		" 2 quire, each	0	6	6
H	1. Demand Note in Books } books of 100		0	2	0
	2. Rate Receipt in Books } ditto 200		0	3	6
I	1. Collecting and Deposit Book } Books of 1 quire 5s., 2 quires, 7s. 6d., 3 quires		0	9	0
	2. Collector's Weekly Statement				
	3. " Unpaid Rates Statement } per quire, 48 forms		0	3	0
	4. Surveyor's Weekly Account				
	5. Surveyor's Certificate, for Amount due to Contractors for Works performed } in books containing 25 each		0	4	0
	6. Inspector of Nuisances Weekly Account	" 48 "	0	3	0
	7. Inspector's Complaint Book	each			
K	1. Contract and Bond for Supply of Goods	per quire	0	8	0
	2. Ditto ditto Works	"	0	14	0
L	1. Register of Lodging-Houses } books of 1 quire	each	0	10	0
	Ditto ditto } " 2 quire	each	0	15	0
	2. Notice to Register, to be delivered to Keepers of Common Lodging Houses } per quire each				
	3. Application for Registry	48 forms	0	3	0
	4. Report of Inspector on Common Lodging House } per quire				
		24 forms	0	3	0
	5. Certificate of Registry				
	6. Notice of Registration and of Certificate				
	7. Room Ticket : Number of Lodgers	per quire, each			
	8. Notice of Fever, etc. in Common Lodging Houses	48 forms	0	3	0
	9. Notice to reduce Number of Lodgers				
	10. Weekly Return of Number of Lodgers				
	11. Register of Slaughter-Houses books of 1 quire		0	10	0
	Ditto ditto	2 quire	0	15	0
	12. Notice of Non-Registration				
	13. Notice of Non-Registration (newly-established Slaughter-Houses)	per quire, each			
	14. Certificate of Registration	48 forms	0	3	0
	15. Notice of diseased or unsound Cattle				
	16. Notice to Occupier to Repair				
	17. Notice to cleanse Slaughter-House				
M 1 & 2.	Mortgage of Rates and Transfer of Mortgage	parchment, each	0	1	0
M 3.	Register of Mortgages and Transfers, bound in vellum				

FORMS—continued.

£ s. d.

N 1.	Notice of Accumulation of Manure by Inspector of Nuisances, s. 59 . . .			
N 1 (a).	Notice to abate Nuisance of overflowing Watercloset, Privy, or Cesspool, s. 59.			
N 2 (a).	Certificate of Filthy House by the Officer of Health or two Medical Practitioners, s. 60 . . .			
N 2 (b).	Certificate of unwholesome House, by ditto . . . ditto, s. 60 . . .			
N 2 (c).	Notice of the Board of Health on Medical Certificate, s. 60 . . .			
N 3.	Notice of intended Sewer through Private Land, s. 55 . . .			
N 4.	Notice to construct Drain, s. 49 . . .			
N 5.	Notice to provide a Watercloset, s. 51 . . .			
N 5 (a).	Ditto ditto in a Factory, s. 52 . . .			
N 6 (a).	Application as to offensive Drain or Privy, s. 54 . . .			
N 6 (b).	Notice of Surveyor's Entry of Premises to inspect ditto . . .			
N 6 (c).	Authority to Surveyor to inspect Premises where there is an offensive Drain or Privy, s. 54 . . .	per quire		
N 7.	Notice to cleanse Ditches, s. 58 . . .	each		
N 8.	Notice to remove Manure, Dung, Soil, Filth, or other offensive or noxious Matter, s. 59 . . .	48 forms	0	3 0
N 8 (a).	Notice to remove Pigstye, s. 59 . . .			
N 8 (b).	Notice to remove Waste or Stagnant Water, s. 59 . . .			
N 9.	Notice of the Local Board of Health in case of the occupation of Vault, Cellar, or underground Room whatever, first let or occupied subsequent to the passing of the Public Health Act, s. 67 . . .			
N 9 (a).	Notice of ditto ditto, after the expiration of six months from the date of the Application of the Public Health Act to the District, s. 67 . . .			
N 10	Notice of Local Board of Health on Owners or Occupiers of Premises fronting, joining, or abutting on Streets not being Highways, and not sewered, levelled, paved, flagged, and channelled, to the satisfaction of Local Board, s. 59 . . .			

288 *List of Forms published by Charles Knight.*

FORMS—*continued.*

£ s. d.

- N 10 (a). Order of Local Board declaring Expenses to be Private Improvements, s. 69
- N 11. Notice of Local Board declaring Street Highway, s. 70
- N 12. Notice to Owners to raise, sink, or alter the situation of Water or Gas Pipes, etc. s. 71
- N 13. Notice to Local Board before laying out a new Street, s. 72
- N 14. Notice to be given by Local Board of Health before laying down Water Works, to any Water Works Company established for supplying Water within the limits of the District, s. 75
- N 15. Surveyor's Report where Water may be supplied at a rate not exceeding Twopence a Week, s. 76
- N 15 (a). Notice of Local Board to Occupier when Water can be supplied at a rate not exceeding Twopence a Week, s. 76
- N 16. Notice of Fouling, etc. Water belonging to or under control of Local Board, s. 80
- N 16 (a). Ditto Waterworks belonging to Local Board from Gas Washings, etc. s. 80
- N 16 (b). Notice to Gas Proprietors, etc. in the event of Water supplied by or under control of Local Board being fouled in any manner by Gas, s. 80
- N 16 (c). Notice of Local Board's intention to examine Gas Pipes to ascertain if Water is fouled by Gas, s. 80
- N 17. Notice of Certificate of General Board of Health closing Burial Grounds, s. 82
- N 18. Notice offering Composition for Rates, s. 95
- O 1. Complaint of Non-payment of Rate, s. 103
- O 2. Summons for Non-payment of the Rate, s. 103
- O 3. Distress Warrant for Non-payment of Rates, s. 103
- P. Conviction, schedule E
- Q. Order of Justices to permit execution of Works by Owner, schedule F

per quire
each
48 forms 0 3 0

INDEX.

A.

- ABATEMENT** of action not to be by death or removal of clerk, 189
 of nuisances, 96, 97, 98. See *Nuisances*.
 ponds and ditches, 96
 sewers and drains, 96
 pigstyes near or in dwellings, 98
 filth, dung, &c. 98
 overflowings of foul waters, 98
 noxious or offensive trades, 103
- ACCIDENTS** during construction of new works, 192
- ACCUMULATIONS** of offensive refuse to be removed, 98
- ACTING**, in an office, evidence of, 45
- ACTION**, notice of against board, 190
 clerk, *ib.*
 superintending inspector, 190
 surveyor, *ib.*
 inspector of nuisances, *ib.*
 upon trial notice must be proved, 191
 must be brought within six months, *ib.*
 venue to be laid in same county, *ib.*
 defendant may plead general issue, *ib.*
 against an unqualified member of local board, 46
 against returning officer, what must be shown, 62
 does not lie for recovery of rates, 156
 by persons aggrieved by irregular distress, 183
 must be against clerk of board, 189
 not to abate by his death or removal, *ib.*
 notice of, necessary, 190
- ACT, APPLICATION OF**, form of petition to general board by the
 inhabitants, 249
- ACT, PUBLIC HEALTH**, Is it desirable that it should be applied to
 my district? 8
 form of petition to general board to have Act applied, 12, and
 Appendix, No. IV., p. 249
- a public Act, 13
 how to be cited, 21
 how put in force by order in council, 29
 not to be applied to corporate boroughs without consent, 32

- ACTS**, distinction between public and local, 25
 local inquiry as to by inspector, 25
 public, 25
 local, *ib.*
 if any local Acts, then this Act is not applicable by mere order
 in council, 29
- ACTS** of disqualified members to be valid, 46
- ACTS, LOCAL**, commissioners under, 64
- ADVERTISEMENTS** exempt from stamp duty, 202
- AFFIRMATION**, included in term oath, 18
- AGENT** or trustee to be deemed owner, 16
- AGGRIEVED PERSONS**, 60
- AGGRIEVED PERSONS** may, on account of private improvement
 expenses, appeal to general board, 171
 in irregular levies may bring actions, 183
 may appeal to quarter sessions, 185
 on account of rates, *ib.*
 orders, *ib.*
 convictions, *ib.*
 judgments, *ib.*
 in case of amended rates, 187
- AGREEMENTS**. See *contracts*.
- AGRICULTURAL VALUE OF SEWAGE**, 257
 Professor Johnston on, 259
 Sprengel on, *ib.*
 in irrigation, 260
 analysis of sewage, 261
 on a grass plot, 269
- ALFRETON**, provisional orders for, 229, 231
 first election for, 229
- ALLEY** included in term street, 19
- ALLOWANCE** of rates by justices needless, 169
- ALNWICK**, first election for, 220
 provisional order for, 219, 222
- ALTERATION** of houses, notice of necessary, 92
 of new streets at the owner's expense, 114
- AMENDED RATES**, 187
 appeal against, *ib.*
- AMENDMENT** of rates by board, 153
 of rates by sessions, 186
- AMENDS**, tender of, 191
 may be pleaded, and with other pleas, *ib.*
- ANIMALS**, 280
 unwholesome, intended for food to be seized and con-
 demned, 101
- ANNUAL** meeting of local board, 65
- APARTMENTS**, compounding for houses let in, 145
- APPEAL** against amended rate, 154, 187
 to general board against private improvement expenses, 171

APPEAL—continued.

to quarter sessions, 185

on account of orders, *ib.*

rates, *id.*

convictions, *ib.*

judgments, *ib.*

fourteen days' notice of must be given, 185

grounds of appeal, 187

APPEAL against local board's decision, as to offensive trades, 104

as to streets, their width or level, 114

APPLICATION OF ACT to Alfreton, 250

Alnwick, *ib.*

Altrincham, *ib.*

Alvaston and Boulton, *ib.*

Ashby-de-la-Zouch, *ib.*

Aylesbury, *ib.*

Bangor, *ib.*

Barnard Castle, *ib.*

Battle, *ib.*

Beaconsfield, *ib.*

Berwick-upon-Tweed, *ib.*

Beverley, *ib.*

Braintree, *ib.*

Brecon, *ib.*

Bridgend, *ib.*

Bristol, *ib.*

Brynmawr, *ib.*

Bulkington, *ib.*

Burnham, *ib.*

Burslem, *ib.*

Carmarthen, *ib.*

Calne, *ib.*

Cardiff, *ib.*

Carlisle, *ib.*

Castleford, *ib.*

Chatham, *ib.*

Chelmsford, *ib.*

Cheshunt, 251

Chilvers Coton, *ib.*

Clarborough, *ib.*

Clitheroe, *ib.*

Coventry, *ib.*

Croydon, *ib.*

Darlington, *ib.*

Dartford, *ib.*

Derby, *ib.*

Dewsbury, *ib.*

Diss, *ib.*

Doncaster, *ib.*

Dover, *ib.*

APPLICATION OF ACT TO—*continued.*

Durham, 251
Edmonton, *ib.*
Ely, *ib.*
Enfield, *ib.*
Epsom, *ib.*
Eton, *ib.*
Exmouth, *ib.*
Fareham, *ib.*
Gateshead, *ib.*
Gaywood, *ib.*
Gloucester, *ib.*
Godmanchester, *ib.*
Grimsby, Great, *ib.*
Halifax, *ib.*
Harrow, *ib.*
Hartlepool, *ib.*
Hastings, *ib.*
Havant, *ib.*
Haworth, *ib.*
Hitchin, *ib.*
Holbeach, *ib.*
Ilfracombe, *ib.*
Kendal, *ib.*
Kingston-upon-Hull, *ib.*
Kirkham, *ib.*
Knighton, *ib.*
Lancaster, *ib.*
Launceston, *ib.*
Layton with Warbrick, 252
Leicester, *ib.*
Litton, *ib.*
Llanelly, *ib.*
Loughborough, *ib.*
Luton, *ib.*
Maidenhead, *ib.*
March, *ib.*
Margate, *ib.*
Merthyr Tydfil, *ib.*
Mileham, *ib.*
Morpeth, *ib.*
Nantwich, *ib.*
Newcastle-under-Lyne, *ib.*
Newmarket, *ib.*
Newport, *ib.*
Northallerton, *ib.*
Norwich, *ib.*
Nuneaton, *ib.*
Ordsall, *ib.*

Ormskirk, 252
Ottery St. Mary, *ib.*
Penrith, *ib.*
Penzance, *ib.*
Preston, *ib.*
Reading, *ib.*
Retford, East, *ib.*
Retford, West, *ib.*
Romford, *ib.*
Rugby, *ib.*
Rusholme, *ib.*
Sandgate, *ib.*
Sawtry All Saints and Sawtry St. Andrew's, *ib.*
Selby, *ib.*
Sheerness, 253
Sherborne, *ib.*
Sleaford, *ib.*
Southampton, *ib.*
Stratford-on-Avon, *ib.*
Swaffham, *ib.*
Swansea, *ib.*
Taunton, *ib.*
Tenby, *ib.*
Tewkesbury, *ib.*
Thomas, St., the Apostle, *ib.*
Thurmaston, *ib.*
Tormoham, Torquay, *ib.*
Tottenham, *ib.*
Towyn, *ib.*
Tynemouth, *ib.*
Uxbridge, *ib.*
Waltham, Holy Cross, *ib.*
Ware, *ib.*
Warwick, *ib.*
Watford, *ib.*
Wavertree, *ib.*
Wednesbury, *ib.*
West Cowes, *ib.*
Weymouth, *ib.*
Wigan, *ib.*
Windsor, *ib.*
Witham, *ib.*
Wolverhampton, *ib.*
Worcester, *ib.*
Yarmouth, *ib.*
York, *ib.*

APPORTIONMENT of rates between incoming and outgoing tenants, 140
between mortgagees, 164
between districts, 158

- APPROPRIATION** of penalties in general, 184
AQUEDUCTS included in waterworks, 20
ARABLE lands, how to be assessed to rates, 136
ARBITRATION, proposed charges of water company to be referred to, 120
 mode of referring to, 176
 award not removeable by certiorari, 177
 appointment of umpire, 178
 by parties or by quarter sessions, *ib.*
 time of making award, 179
 cost of, 180
 may be made rule of court, *ib.*
ARBITRATOR, declaration to be made by, 180
 meaning of term, 18
 award of final, 177
 death of, *ib.*
 may require production of documents, 78
ARCHES under streets, 84
AREA around cellar, regulations of, 108
 to be drained, 29
ARTESIAN well water of London, hardness of, 242
ASHBY DE LA ZOUCH, provisional order for, 216, 217
 first election for, 216, 218
ASHES, removal of, 95
 vested in local board, 96
 the board may provide places of reception for, 96
ASHPIT, no house to be built or rebuilt without, 89
ASSESSMENT of property, 135
 the poor rate to be the guide for assessment, 135
 local board may inspect, copy, or take extracts from poor rate, 136
 in case of no poor rate, an estimate for assessment may be made, *ib.*
 occupiers of arable, meadow, or pasture lands to be assessed at only one-fourth their net annual value, *ib.*
 or nursery grounds, *ib.*
 market gardens, *ib.*
 woodlands, *ib.*
 railways, *ib.*
 pastures, *ib.*
 canals, *ib.*
 towing paths, *ib.*
 tithes or rent-charges, *ib.*
 how, in cases of houses and lands, property to be assessed, 137
 part of a district may be assessed, 140
 amendment of, 153
 appeal against amended rate, 154
ATTORNEY GENERAL, consent necessary to certain actions, 184

AUDITING of accounts of local board

report of auditors to be deposited in office of board, and published
in local papers, 176

auditors may disallow accounts, 172

of accounts of local board, 172

to be soon after 25th of March, 173

auditors may summon holders of books and documents to pro-
duce them, 174

penalty for neglecting to produce, *ib.*

to be paid from general district rate, *ib.*

persons giving false evidence before, to be liable to the penalties
inflicted upon perjurers, 175

accounts signed by auditor to be final and conclusive, *ib.*

accounts previous to auditing to be deposited for public in-
spection, *ib.*

ten days' notice to be given of day of audit, *ib.*

copy of accounts to be seven days previous to audit deposited for
public inspection, *ib.*

**AVERAGE CONSUMPTION OF WATER BY URBAN POPU-
LATION**, 240

hardness of, *ib.*

B.

BACKING WARRANTS of distress, 156

BANKRUPT incapable of election as a member of a local board, 42
may vote at election, 47

BANKRUPTCY vacates the office of member of local board, 44

BARGAIN or contract by a member of local board, effect of, 45

BARNARD CASTLE, election of additional members of board, 230
provisional order relating to, 229, 281

BASINS, not to be interfered with, 196

BATHING in public reservoirs, penalty for, 123

BATHS, public, board may supply with water, 121

BERWICK-ON-TWEED, provisional order for, 219, 222

BEVERLEY, provisional order for, 225, 228

BISHOP, notice to, previous to burial ground inquiries, 126

BLOOD-BOILING, a nuisance, 103

BOARD OF HEALTH. See *General Board and Local Board*.

BOARDS, notice, penalty for defacing, 198

BONE-BOILING, a nuisance, 103

BOOKS may be inspected by superintending inspector, 172

necessary to be provided, and kept by local board, 173

to be kept for the register of slaughter-houses, 100

BORROWED MONEY, table of loans necessary to repay, 164

BOUNDARIES of district may be co-extensive with the area to be
drained, 29

may be altered by provisional order, 193

BRECON, provisional order for, 213, 215

BRICKMAKING a noxious trade, 102

- BRICK SEWERS, one-eighth of sewage filters through, 240
- BRIDGE included in term street, 19
- BRIDGEND, first election for, 226
provisional order for, 225, 228
- BRISTOL, compensation to officers under local acts, 227
provisional order for, 225, 228
- BRYN MAWR, first election for, 226
provisional order for, 225, 228
- BUILDERS, notice as to appeals given at Croydon, 90
- BUILDINGS included in word lands, 16
house, 19
may be whitewashed or cleansed, 99
not to be erected over sewers, 84
notice to local board before commencing, 92
- BURGESSES, meaning of, 211
- BURIAL GROUNDS, inquiry as to, by inspector, 25
- BURIAL of the DEAD, premises may be provided for reception of
the dead, previous to interment, 126
board may regulate them by bye-laws, *ib.*
may regulate charges of interment, *ib.*
dangerous burial grounds may be certified to be improper, and
burials prevented in them, 128
site of a burial ground, 127
in churches may be prevented, 128
prohibited in all new churches, 129
new ground for, must not be used without consent of General
Board of Health, 129
- BURSLEM, first election for, 221
provisional order for, 219, 222
- BUSINESS, noxious or offensive, 102
- BUTCHERS' shops liable to be entered by inspector of nuisances,
101
meat, unwholesome, to be seized, *ib.*
owner liable to penalty, 102
- BYE-LAWS, must be printed, 168
must be previously confirmed by secretary of state, 166
with respect to meetings of local board, 65
for the removal of refuse, ashes, dust, manure, &c., 95
for the regulation of slaughter-houses, 100
as to regulation of noxious or offensive trades, 104
for regulation of lodging houses, 105
for reception houses for regulation of interment of dead, 126
must be in writing, 167
and under seal, *ib.*
and be signed by five members, *ib.*
may be altered, *ib.*
or repealed, *ib.*
must not be repugnant to laws of England, *ib.*
must be confirmed by secretary of state, *ib.*

BYE-LAWS—*continued.*

- notice necessary in public papers, 167
- course of proceeding, *ib.*
- for what may be made, *ib.*
- must be open to public inspection, *ib.*

C.

CAMBRIDGE, local board of, 63

water rates at, 144

quota of rates to be paid by university of, 157

CANALS, how to be assessed to rates, 136

CANDIDATES for local board, 55

CARDIFF, provisional order for, *ib.*

CARLISLE, provisional order for, 219, 222

CARMARTHEN, confirmation of provisional order, 209, 212

CASTING VOTE of chairman, 68

CELLARS, sewers may be carried under, 81

not to be made under streets without consent of local board, 84

built after the passing of this Act, not to be used as dwellings,
106

none to be inhabited if not 7 feet high, 3 feet above road or street,
furnished with an area, a drain, a watercloset, ashpit, a fire
place, chimney, and an external window, 107

penalty for neglect, 108

what to be deemed a cellar, *ib.*

CESSPOOLS, abolition of, 90

drain to, 20

cannot be made without previous consent of local board, 92

local board may fill up, 93, 97

must be kept in good order, 93

emptying of, 95

may be ordered to be cleared, 97

arched over, *ib.*

filled up, *ib.*

overflowing or soaking from, 98

CHAIRMAN of **LOCAL BOARD**, must, previous to election, pub-
lish a certain notice, 55

must sign it, *ib.*

notice to contain certain particulars, *ib.*

must prepare voting papers, 56

must cause them to be delivered, *ib.*

and collected, 58

shall cast up votes, 60

must prepare a list of the candidates, &c. 60

must deposit all election papers after the election at the office
of the board, 61

liable to penalty for neglect or refusal to comply with the
election directions of the Act, 61

CHAIRMAN of LOCAL BOARD—continued.

in action against, necessary to show malice, 62
 to be allowed expenses of election, *ib.*
 in case of his death, another to be appointed, 68
 to have a second or casting vote, *ib.*
 cannot be treasurer to board, 71

CHAIRMAN of local board to be annually elected, 68

to conduct annual elections of the members, 53
 if unable to execute duty another person to be appointed, 55
 entitled to copies of rate book, 54
 to give notice of election, 55
 what that notice must include, 55
 rules for the guidance of during election, 59
 must examine and cast up the votes at, 60
 must declare the result, 60
 must certify to the result and give notice to successful candidates, 60

CHATHAM, first election for, 210

confirmation of provisional order, 209, 212

CHELMSFORD, first election for, 214

provisional order for, 214, 215

CHRISTMAS DAY, postponement of election in case of, 56**CHURCHES, burial in may be prevented, 128****CHURCHWARDENS to give notice of the provisions of this Act as to inhabiting cellars, 109****CHURCHWARDENS or OVERSEERS, inspector's report on preliminary inquiry must be deposited with, 28**

copy of provisional order to be deposited with, 30
 in small parishes may execute certain works, 88
 penalties payable to, 122, 124, 184
 may sue for certain penalties, *ib.*

CHURCHYARDS, regulation of burying in, 128**CISTERNS included in word waterworks, 20****CITIZENS, included in word burgesses, 211****CLEANSING cesspools, 97**

ponds, 97
 pools, 97
 privies, 97
 waterclosets, 97
 ditches, 97
 houses, 99
 roads, 95
 streets, 95
 cellars, 98
 pigstyes, 98

CLERGYMAN may be elected to local board, 50**CLERK to local board, appointment of, 70**

cannot be a firm, 71
 security from, 71

CLERK—*continued.*

in a partly corporate district may summons meeting, 71
 countersigns all checks at Croydon, 71
 cannot be treasurer, 72
 penalty for acting as treasurer, 72
 may prepare contracts, 73
 must furnish ratepayers with copies of bye-laws, 168
 actions may be against, 189
 to be reimbursed expenses, 190
 costs of to be paid, 194

COLLECTION OF RATES, 154, 155

COLLECTION OF VOTING PAPER, 58

COLLECTOR of local boards' rates, appointment of, 70
 to find security, 73

to pay over money in seven days, 73
 to furnish list of defaulting ratepayers, 73
 and how he has disposed of money, 73
 to deliver papers, vouchers, and receipts when required, 74
 on refusal to be summoned before two justices, 74
 who may commit him to jail, 75
 but an action will still lie against him, 75

COMMISSIONERS of districts afterwards becoming a corporate borough, 64

COMMISSIONERS of METROPOLITAN SEWERS, 14

COMMISSIONERS of PUBLIC WORKS may advance money to local boards, 160

COMMISSIONERS of TREASURY, meaning of term, 16

COMMITTEES may be appointed by local board, 70

COMMON INFORMERS cannot commence actions without consent of Attorney General, 184

COMMON LODGING HOUSES must be registered, 105
 keepers of liable to a penalty for neglecting to register, 105
 local board may regulate by bye-laws, *ib.*

COMPANY, PUBLIC, may vote at elections by proxy, 52

COMPENSATION to owners of land for injuries from underground work in general, 81
 to be made for injuries caused by works of local board, 196

COMPOSITION WITH OWNER OF COTTAGE for rates, 146

COMPOUNDING WITH CREDITORS vacates the office of member of local board, 44

OF RATES, with owners of cottages, 146

CONSENT OF ATTORNEY GENERAL necessary before certain actions can be commenced, 184
 of general or local board must be in writing, 199

CONSENT OF GENERAL BOARD necessary to removal of surveyor, 71

and officer of health, 77

CONSTABLE may make distress and sale if authorised by warrant, 167

- CONSTANT SUPPLY** of water, saving in, 240
CONTRACT by member of local board vacates his seat, 45
CONTRACTORS, liability of for accidents, 192
CONTRACTS of LOCAL BOARD exempt from stamp duty, 202
 board may enter into any for the purposes of this Act, 130
 above 10*l*. must be in writing, 131
 under the seal of board, *ib.*
 signed by five members of, *ib.*
 under the common seal, *ib.*
 shall specify certain things, *ib.*
 shall fix a penalty, *ib.*
 as to need of corporation seal, *ib.*
 board may compound for penalties, 132
 estimates must be previously provided, 132
 if above £100. board must advertise previously for tenders, 132
 between landlord and tenant to pay rates, effect of, 148
CONVICTION, form of, 182, 207
 appeal against to sessions, 185
 not to be void or quashed for want of form, 183
COPIES of documents sealed and duly signed to be given in evidence, 69
CORPORATE BODY, meaning of term, 211
CORPORATE BOROUGH, Act not to be applied to in certain cases without consent of, 32
CORPORATE BOROUGH, meaning of term, 18
CORPORATE DISTRICT, meaning of term, 19
CORPORATION, included in word person, 15
 mayor of, member of local board, 35
CORPORATIONS, how they are to vote, 52, 58
COSTS of preliminary inquiry, 33
 of defending actions, how to be paid, 196
 of arbitrations, 180
 of proceedings before magistrates, 181, 183
 of appeals to quarter sessions, 186
 of clerk in legal proceedings, 190
 full, to be allowed to officers of board after successful defences, 19
COURT, included in term street, 19
COURT of GENERAL or QUARTER SESSIONS, meaning of term, 17
COVENTRY, confirmation of provisional order, 209, 212
COWES, first election for, 227
 provisional order for, 225, 228
COW HOUSES, removal of dung, &c., from, 95
CROYDON, first election for, 210
 confirmation of provisional order, 209, 212
 local board of health, primary address to the inhabitants, 232
 water rates at, 239
 salaries of officers at, 66
 size of sewer pipes at, 80
 notice given to builders as to cesspools and sewers, 90

CULVERTS included in term waterworks, 20
CUTS included in term waterworks, 20

D.

DAMAGES, summary recovery of, 181
or any penalty, *ib.*
may be recovered before two justices, 181
with costs, *ib.*
by levy and distress, *ib.*
the offender may be detained, *ib.*
and may be committed to jail, 182

DARLINGTON, first election for, 220
provisional order for, 219, 222

DARTFORD, first election for, 213
provisional order for, 213, 215

DEATHS, number of necessary to give general board a right to apply
the Act, 24

DECLARATION OF MEMBERS OF LOCAL BOARD, 43

DEEDS exempt from stamp duty, 212

DELIVERY OF NOTICES, 200

DERBY, provisional order for, 213, 215

DISINFECTING lodging houses, 106

DISPUTES, settlement of by arbitration, 176

DISQUALIFICATION of members of board, 45

DISTANCE, how measured, 42

DISTRESS for non-payment of rates, 155
form of warrant for recovery of rates, 157, 206
how to be levied, 183
not to be unlawful for want of form, *ib.*

DISTRICT, meaning of term, 18
constitution of by provisional order, 29
boundaries may be altered, 193
order in council, *ib.*
for main sewerage, 32
local board in corporate, 34
local board in partly corporate, 35
commissioners of afterwards becoming corporate, 64
may be divided for purposes of rating, 140
may be extended by order in council, 193

DISTRICT FUND ACCOUNT to be kept, 134
to what to be applicable, *ib.*
fees received for copies of map carried to, 77
produce of sale of ashes and other refuse matter, 96
of dung, manure, soil, &c., 99

DITCHES, to be cleansed, 97
or arched over, *ib.*
or filled up, *ib.*

DOCKS, not to be interfered with, 196

DOCUMENTS duly sealed and signed to be given in evidence, 69
exempt from stamp duty, 202

DONCASTER, provisional order for, 225, 228

DOVER, provisional order for, 213, 215

DRAIN, meaning of word, 20

must not communicate with sewer without leave of local board, 83

no house to be built without one, 85

penalty for omitting to make, *ib.*

by common law duty of cleansing and repairing falls on occupier, 86

must be kept in good order, 93

may be examined by the surveyor, *ib.*

offensive may be ordered to be cleansed, 97

or arched over, *ib.*

or filled up, *ib.*

may be ordered to be made to drain ponds, pools, &c., *ib.*

DRAINAGE FROM DOMESTIC ANIMALS, 280

DRAINED, premises sufficiently, 133

DUNG, removal of, 95

vested in local board, 96, 99

DURHAM, confirmation of provisional order, 209, 212

DUST, removal of, 95

vested in local board, 96

reception places may be provided, 96

DWELLINGS, penalty for building without drains, 86

must have waterclosets, 88

if without must be provided with privies or waterclosets, 86

and ashpits, *ib.*

and for manufactories, and densely tenanted for both sexes, 91

notice must be given before commencing to build, 92

removal of ashes, dung, &c., from, 95

unwholesome or filthy to be cleansed and whitewashed, 99

underground must be seven feet in height, 106

three feet above the surface, 107

and have areas, *ib.*

a fireplace, *ib.*

drains, *ib.*

a chimney, *ib.*

watercloset or privy, *ib.*

an ashpit, *ib.*

a window that opens, *ib.*

must have all these under a penalty, 108

E.

EDINBURGH, use of sewage in irrigation at, 81

ELECTION, chairman of local board to conduct, 53

to give notice of, 55

what that notice must include, *ib.*

nomination of candidates, 56

must be in writing, *ib.*

ELECTION—*continued.*

how voting papers must be prepared, 56
 how to be addressed, 57
 persons nominated may refuse to serve, *ib.*
 mode of voting, *ib.*
 voters must sign their initials, *ib.*
 collection of voting papers, 58
 how errors in collecting supplied, 59
 contested votes for chairman in, *ib.*
 casting up votes after, 60
 notice to be given to persons elected, *ib.*
 chairman must certify the result, *ib.*
 papers relating to, must be deposited at the office of local board,
 61

these open to public inspection, *ib.*
 of local board, 37, 47
 the first to be fixed in the provisional order, 37
 shall be by owners and ratepayers, 38
 whether the one-third of board to be annually elected shall in-
 clude those who have previously gone out of office, 39
 the number to be elected to be from time to time regulated by
 order in council, 40

voting of owners, 47
 direction of voting papers, *ib.*
 notice of ownership, *ib.*
 the persons who vote, *ib.*
 the rating of voters, 48
 effect of compounding for rates on votes, 138
 payment of rates, 48
 the number of votes to which voter is entitled, 49
 statement of owner's qualification, *ib.*
 persons elected, *ib.*
 of chairman of local board, 68

ELECTION OF MEMBERS of the local board

day of first may be appointed by general board, 217
 persons employed liable to penalties for neglect of duty, 62
 defects in do not invalidate proceedings of board, *ib.*
 expenses of, how paid, 62, 67
 at Croydon expenses allowed are the same as for election of
 poor law guardians, 67

EMERGENCY, entry of premises in cases of, 94, 195

EMPTY PREMISES not to be liable to payment of rates, 139

ENGINES included in word *waterworks*, 20

ENTRY ON PREMISES to view drains, 94

into common lodging houses to view, 105

upon lands for the purposes of surveys, 194

ENTRY upon lands.—See *Lands*

ESTIMATES to be furnished before making contracts, 132
 and before making rates, 151

- EVIDENCE of documents and copies, 69
 - false punishable as perjury, 198
- EXECUTORS, how they vote at elections, 48
- EXMOUTH, first election for, 220
 - provisional order for, 219, 222

F.

- FACTORIES, included in word house, 19
 - waterclosets to be provided for, 91
- FALSE EVIDENCE punishable as perjury, 198
- FAST DAYS, postponement of election on, 56
- FEES, penalty on officers for taking, 72
- FELLMONGERS, a noxious trade, 103
- FENCES IN STREETS, may be put up by local board, 110
 - penalty for injuring, *ib.*
- FILTH, removal of, 95
- FILTHY HOUSES, remedy for, 99
- FIRE-PLACES to be provided for underground rooms, 107
- FISH, unwholesome, to be seized and condemned, 101
 - owner liable to penalty, 102
- FISHMONGERS' shops or stalls to be entered by inspector of nuisances, 101
- FLAGGING STREETS, public, 109
 - private, 110
- FLOOD-GATES not to be interfered with, 196
- FOOTWAY, included in term street, 19
 - to be cleansed and watered, 95
 - to be flagged, 109
- FORM OF PROCEEDING before justices, 182
 - distress not to be unlawful for want of, 183
 - of voting paper, 204
 - of nomination paper, 204
 - of transfer of mortgages, 205
 - mortgages, *ib.*
 - distress warrant, 206
 - of conviction, 207
 - of order to permit execution of works, *ib.*

G.

- GAME, unwholesome, to be seized and condemned, 101
- GAS LIGHTS, local board may contract for, 210
- GAS PIPES may be ordered to be removed, 112
 - may be altered, 112
- GAS WORKS, penalty of draining from, into public water, 124
 - may be examined by board, 125
- GATESHEAD, provisional order for, 225, 228
- GATHERING GROUNDS, as sources of supply of water, 116, 242

- GENDER, interpretation of term, 15
- GENERAL BOARD OF HEALTH, consents of, must be in writing, 199
- how constituted, 21
 - its principles of action, 10
 - may appoint officers, 22
 - shall have a seal, 23
 - on what conditions it will consent to mortgage of rates, 20
 - may appoint superintending inspectors, 23
 - may remove these, 23
 - petition of the inhabitants of a district to have the Act applied, 24
 - if annual rate of mortality in a district more than 23 in 1000,
 - may send superintending inspector, 24
 - may issue provisional order, 30
 - these must be confirmed by parliament, 30
 - will not interfere with allowance of election expenses, 62
 - consent necessary to removal of surveyors, 71
 - and to officer of health, 77
 - will not be parties to mortgage of rates, 161
 - may certify as to dangerous burial grounds, 127
 - may alter and amend provisional orders, 193
- GENERAL DISTRICT RATES, board to make, 134
- to be charged with expense of temporary works, 96
 - to bear costs of preliminary inquiry, 33
 - officer of health, 77
 - map, 78
 - may be charged with expense of filling up ponds, ditches, &c., 97
 - and of all other expenses not otherwise provided for, 134
 - need not extend to whole district, 135
 - may be prospective or retrospective, 139
 - repairs of highways must be charged to it, 138
 - composition for, with owners of cottages, 145
 - auditor of accounts to be paid from, 174
 - costs of defending actions to be paid from, 196
 - may furnish copies of provisional orders, 217
 - may appoint days for first election of local boards, 217
- GLASGOW, use of sewerage in irrigation at, 83
- GLOUCESTER, confirmation of provisional order, 209, 212
- GOOD FRIDAY, postponement of election in case of, 56
- GRASS LANDS how to be assessed, 136
- GUARDIANS OF POOR, inspector's report to be deposited with their clerk, 27
- and provisional order, 28
 - their books open to inspection, 81
- GULLY HOLES liable to get out of order, 81

H.

- HALIFAX waterworks, 230
- provisional order relating to, 229, 231

- HARDNESS** of water, degrees of, 241
- HARROW**, first election for, 213
provisional order for, 213, 215
- HARTLEPOOL**, provisional order for, 225, 228
- HASTINGS**, provisional order for, 225, 228
- HIGHWAY** included in term street, 19
rate can only be made by board for particular purposes, 138⁷
recovery of arrears of, 169
and see *Appendix*, No. V. p. 250
- HIGHWAY RATES**, as to power of board to make, 250
- HIGHWAYS**, local board are surveyors of, 168
Acts relating to, 168
must be repaired from general district rate, 138
- HOLBEACH**, first election for, 219
provisional order for, 219, 222
- HORSE SLAUGHTERING** included in term slaughter-houses, 20
- HOUSE**, meaning of term, 19
penalty for building without drain, 86
cannot be built without waterclosets, 88
if without, must be provided with privies or waterclosets, and ash-pits, 88

and for densely inhabited factory houses, 91
notice to be given before commencing to build, 92
removal of dung, ashes, &c., from, 95
unwholesome or filthy to be whitewashed and cleansed, 99
and expenses borne by owner or occupier, 99
board may require house to be supplied with water, 120
portion of, used as dwelling underground :—
room must be 7 feet high, 106
3 feet above surface, 107
have areas, *ib.*
drains, *ib.*
watercloset or privy, *ib.*
ashpit, *ib.*
a window that will open, *ib.*
a fire-place, *ib.*
a chimney, *ib.*

I.

- INDICTMENTS**, for stealing property of local board, 189
- INJURIES** from making of sewers, 81
or underground work in general, 81
- INSOLVENCY** vacates the office of a member of a local board, 44
- INSOLVENT** incapable of being member of a local board, 44
may vote at elections, 47
- INSPECTION** of superintending inspector's report, 28
of rate book, 153
- INSPECTOR OF NUISANCES** may be surveyor, 71
appointment of, 71

INSPECTOR OF NUISANCES—*continued.*

- to give notice to remove dung, filth, soil, &c. 98
- may search for and seize unwholesome meat, and other matters intended for food, 101

INSPECTOR, SUPERINTENDING, the spirit in which he will act, 11

- to be appointed by general board, 23
- his duties on preliminary inquiry, 25
- to inquire into drainage, sewerage, supply of water, burial grounds, sanitary condition of the inhabitants, 25
- to give notice of time and place of inquiry, 25
- to hear all persons, *ib.*
- to report to general board, result of, 26
- copies of the report to be deposited, 27
- in need to make further inquiry, 27
- public notice of deposit of copies of his report to be given, 28.
- this to be open to public inspection, 28
- may summon witnesses, 171
- may examine them upon oath, *ib.*
- any parochial officer, *ib.*
- or corporation officer, *ib.*
- poor law officer, *ib.*
- or trustee, *ib.*
- or under any local act, *ib.*
- may require production of books, 172
- or surveys, *ib.*
- or plans, *ib.*
- or documents, *ib.*
- may examine and take copies thereof, *ib.*
- but no witness to attend without expenses tendered, *ib.*
- or to travel more than 10 miles, *ib.*
- reports of, to be laid before parliament, 194

INTEREST AND PRINCIPAL, table of amounts necessary to repay loans, 164**INTERMITTENT supplies of water—loss in, 240****INTERPRETATION OF TERMS used in the Act, 15****IRRIGATION, use of sewerage in, 82**

- by rivers not to be interfered with, 196
- quantity of sewage required in, 271
- composition of river waters used in, 274
- sewage, general result of use of in England and Scotland, 282

J.**JOINT OWNERS, how they vote, 48****JUSTICES, meaning of term, 17**

- mode of proceeding before, 182
- may act through members of boards, 183
- to give authority to surveyors to enter upon lands, 194

JUSTICES—*continued.*

their duty in case of enforcement of rates, 155

may issue summons, *ib.*

amount of distress, *ib.*

their duty, in case occupier refuses to permit execution of works, 199

appeal against their orders or convictions, 185

K.

KENDAL, confirmation of provisional order, 209, 212

KINGSTON-UPON-HULL, provisional order for, 225, 228

KNACKERS' YARDS included in term slaughter-houses, 20

L.

LANCASTER, provisional order for, 220

LAND DRAINAGE WATER, amount and composition of, 276

LANDLORD, see *Owner*, effect of agreement between, and tenant, as to payment of rates, 148

may compound for rates, 145

LANDS, meaning of term, 16

included in word waterworks, 20

sewers may be carried through any, 81

owners of such entitled to compensation, 81

may be entered by surveyor to examine drains, privies, cesspools, &c., 94

may be purchased by board to improve streets, 115

may be purchased by the board for any of the purposes of this Act, 130

entry upon by officers of board, 194

if owners or occupiers refuse notice to be given, 194

and then application to be made to two justices, 195

who may make an order, 195

twenty-four hours' notice of entry to be given, *ib.*

compensation to be given for injury, 195

arable and meadow, how to be rated, 136

LANE included in term street, 19

LAUNCESTON, first election for, 220

provisional order for, 219, 222

LAWS and customs of Romney Marsh, 3

LAYING OUT OF NEW STREETS, 113

LEICESTER, provisional order for, 209, 212

LETTERS OF LOCAL BOARD written by clerk need not be under seal, 35

LIABILITY TO REPAIR sewers not affected by this Act, 170

or sea walls, *ib.*

or of paving streets, *ib.*

LIGHTING OF TOWNS, local board may contract for, 210

- LLANELLY**, first election for, 220
 provisional order for, 219, 222
- LOANS**. Table of amount of annual instalments to repay with interest, 245
- LOCAL ACTS**, commissioners under, 64
- LOCAL ACTS**, inquiry as to, by inspector, 25
 if any then this Act not applicable by mere order in council, 29
- LOCAL BOARD OF HEALTH**, may allow time to owner to repay private improvement expenses, 197
 consents of, to be in writing, 199
 service of notice upon, 200
 to be surveyors of highways, 168
 cannot mortgage or borrow upon rates without consent of general board, 170
- parties aggrieved by proceeding of, may appeal, *ib.*
 books to be kept by, 173
 to pay auditor, 175
 members of may act in matters relating to Act, as justices, 183
 may sue for penalties without the leave of the Attorney-General, 184
- appeal against rates and amended rates made by, 186
 cannot abandon a rate, 187
 may bring action in name of their clerk, 189
 mode of describing property of, 189
 notice of action against, 190
 members of, not to be personally liable, 192
 not to interfere with rivers, &c., 196
 may make rates prospective or retrospective, 139
 may divide their district for the purpose of rating, 140
 may make private improvement rates, 141
 shall make water rates, 144
 may cut off water supply, 145
 may compound with owners of cottages for rates, 146
 may remit or reduce rates, 147
 shall cause estimates to be made before making rates, 151
 shall give previous notice of intention to make rate, 152
 may amend rates, 153
 may mortgage rates, 158
 may borrow money to pay off mortgages, 160
 shall keep a register of mortgages, 162
 its bye-laws must be confirmed by Secretary of State, 166
 its bye-laws must be printed, 168
 may provide places for public recreation, 116
 may provide a supply of water, *ib.*
 but must previously apply to any existing waterworks company, 119
- may require houses to be supplied, 120
 may supply water for public baths, 121
 or manufactories, *ib.*

LOCAL BOARD OF HEALTH—*continued.*

- may maintain public cisterns, pumps, &c., 121
- may examine gas pipes and other works, 125
- may provide places for reception of dead before interment, 126
- may purchase lands, 130
- may enter into contracts, 130
- may compound with contractors, 130
- must advertise for tenders of contract above £100, 132
- may compound for penalties, 132
- shall make special district rates, 133
- shall make general district rates, 134
- may cause filthy or unwholesome houses to be cleansed, 99
- shall cause slaughter-houses to be registered, 100
- may provide public slaughter-houses, 100
- shall make bye-laws to regulate slaughter-houses, *ib.*
- its consent necessary before any offensive trade established, 104
- shall cause common lodging houses to be registered, 105
- shall make bye-laws to regulate, *ib.*
- management of streets vested in, 109
- shall pave and repair streets, *ib.*
- may compel repair of private streets, 110
- may declare private streets to be highways, 111
- may move or alter gas or water pipes, 112
- notice must be given to, before laying out new private streets or roads, 113
- may purchase premises to improve streets, 115
- sewers vested in, 79
- may repair and alter sewers, 79
- and make new sewers, 79
- must keep sewers in order, 82
- may construct works for cleansing sewers, *ib.*
- cellars, arches, or vaults, not to be made under streets without consent of, 84
- may construct house drains in certain cases, 87
- may require drains to be made, *ib.*
- waterclosets, privies, and ashpits to be provided, 89
- may provide them at owner's expense, 90
- refuse matters vested in, 95
- may provide public waterclosets, urinals, &c., 96
- shall fill up all noxious and offensive ponds, ditches, &c., 97
- shall abate certain nuisances, 98
- refuse and manure, &c., to be vested in, after notice to remove, 99
- must allow election expenses, 62
- meetings of, 65
- these must be at least once a month, *ib.*
- must have an annual meeting, *ib.*
- its days of meeting, 67
- its officers and their salaries, 67
- the mayor of a partly corporate district not ex-officio chairman, *ib.*

LOCAL BOARD OF HEALTH—*continued.*

- quorum necessary to form board, 66, 67
- its duties, 67
- if neglecting duty mandamus may be obtained, *ib.*
- all questions at meetings to be decided by majority of votes, 68
- must provide a public seal, 69
- must provide offices, *ib.*
- may appoint committees, 70
- shall appoint surveyor, treasurer, inspector of nuisances, clerk, collectors, &c., *ib.*
- cannot remove surveyor without consent of general board, 71
- shall pay salaries and wages, 71
- may act notwithstanding vacancies, 40
- a member of, if both selected and elected, must elect, *ib.*
- those members selected for a main sewerage district only, in certain cases to constitute a separate board, 41
- qualification of elected members, 41, 42
- disqualification of members, 44
- no bankrupt or insolvent or officer of the board can continue to be a member, *ib.*
- nor any person who is concerned in any bargain or contract, 45
- what a bargain or contract, 45
- cannot terminate or neglect their labours, 61
- meaning of term, 21
- general principles for guidance of, 65
- summary of its powers, 9
- first meeting of, 65
- town council to be, in certain cases, 34
- town clerk not necessarily clerk to, *ib.*
- selection of, by town councils, *ib.*
- selection of, and election of, in certain cases, 35
- first selection, day of, 36
- duration of office of member of after selection, 36
- election of in non-corporate districts, 37
 - shall be by owners and ratepayers, 38
 - on a day to be named in the provisional order, *ib.*
- one-third of the elected members of to go out of office annually, *ib.*
- no member shall remain in office more than three years without re-election, 39
- whether the one-third of members to be annually elected shall be inclusive of those who have gone out of office, 38

LODGING HOUSES, common, must be registered, 105

- keeper of liable to a penalty for neglecting to register, *ib.*
- local board may make bye-laws to regulate, *ib.*

LONDON, waters of, 242

- from Artesian wells, *ib.*
- rivers, *ib.*
- water companies, charges of, 237

M.

- MACHINERY**, included in word waterworks, 20
- MAGISTRATES**. See *Justices*.
- MAINS**, included in word waterworks, 20
- MAIN-SEWERAGE**, union of districts for, 31
- MANSFIELD**, use of sewage at, in irrigation, 83
- MANUFACTORIES**, waterclosets to be provided for, 91
 noxious and offensive, 102
 cannot be newly established without leave of the board, 104
- MANURE**, removal of, 95
 not removed after notice, becomes the property of the board, 99
- MAP**, may be prepared showing the system of sewerage, 77
 copies of portions of, 77
 the scale of prescribed by general board, *ib.*
 to be kept at the office of local board, 78
 to be open to inspection of ratepayers, *ib.*
 expense of defrayed out of general district rate, *ib.*
- MARCH**, first election for, 229
 provisional order for, 229, 231
- MARGATE**, first election of local board, 227
 provisional order for, 225, 228
- MARKET GARDENS**, how they are to be rated, 136
- MARKSMEN**, how they vote, 58
- MAYOR OF CORPORATION** member of local board, 35
 of partly corporate district not ex-officio chairman, 67
- MEADOWS**, occupiers, how to be assessed, 136
- MEETINGS** of local board, 65
 must be at least once a month, *ib.*
 annual, *ib.*
- MEMBERS OF LOCAL BOARD** acting after disqualification, liable to a penalty, 45
 interested in contract, may sign it, but not make it, 45
 action against for recovery of penalties, 46
 may be shareholders in water or other public companies, *ib.*
 but must not vote in matters in which such companies are interested, *ib.*
- qualification of electors of, 47
 election of, *ib.*
 voting of owners, *ib.*
 the persons who vote, *ib.*
 defect in election of not to invalidate proceedings, 62
 qualification of, 41
 selection of, 35, 36
 selection and election of, 35
 election of, 37
 on what day, 38
 one-third to annually go out of office, *ib.*
 not to remain in office more than three years, 39

MEMBERS OF LOCAL BOARD—*continued.*

- when selected and elected must elect, 40
- must sign a declaration, 43
- in default of making declaration or neglecting to attend for three months, to cease to be a member, 44
- or becoming bankrupt or insolvent, or entering into any bargain or contract under the board, 45
- must not advance money on mortgage to their board, 45
- the advancing money *before* election not a disqualification, *ib.*
- METROPOLITAN SEWERS COMMISSION, 14**
- MILL-OWNERS** affected by waterworks, 117
- MONEY**, for what purposes may be borrowed, 159
- may be borrowed to pay off mortgages, 160
- MONTH**, meaning of term, 16
- MONTHLY TENANT**, compounding for houses let to, 145
- MORPETH**, first election for, 226
- provisional order for, 225, 228
- MORTGAGE.** Table of amount of annual instalments necessary to repay both capital and interest, 245
- form of, to pay off capital, and interest, in 30 years, by equal payments in each and every year, 246
- MORTGAGE OF RATES, 158**
- on what condition the general board will consent to, 10
- form of, 204
- money may be borrowed to pay off, 161
- form of, 161
- register of, 162
- to be paid off by a sinking fund, 164
- table of interest and principal necessary to pay off, 164
- must be by consent of general board, 170
- transfer of form of, 204
- MORTGAGEES**, no priority with, 158
- money may be borrowed to pay off, 160
- appointment of receiver on behalf of, 165

N.

- NEWCASTLE UNDER LYME**, provisional order for, 219, 222
- NEWMARKET**, first election for, 227
- provisional order for, 225, 228
- NEWPORT**, provisional order for, 213, 215
- NEW RIVER COMPANY'S** water rates, 237
- NEW WINDSOR**, provisional order for, 209, 212
- NOMINATION OF CANDIDATES, 56, 204**
- must be in writing, 56
- NOMINATION PAPER**, form of, 204
- NON-CORPORATE DISTRICT**, meaning of term, 19
- NORWICH**, provisional order for, 225, 228
- NOTICE** of intention of owners to vote, 52, 47

NOTICE—continued.

- of election of members of local board, 55
 - how affixed, 55
 - of refusal to serve as a member of local board, 57
 - to persons elected members of local boards, 60
 - of meetings of local board, 65
 - to owner or occupier of a house to drain it, 86
 - necessary in all cases before commencing to build a new house, 92
 - by local board to owner or occupier to cleanse cesspools, privies,
drains, &c., 94, 97
 - to cleanse, arch over, or fill up noxious ponds, ditches, &c., 97
 - to abate overflowing cellars, privies, cesspools, &c., 98
 - to remove manure, filth, &c., 99
 - to whitewash or cleanse houses, *ib.*
 - to owner of private streets to put them in repair, 110
 - of board declaring a private road a highway, 112
 - to owners of water and gas pipes to remove or alter situations of,
112
 - of board to public waterworks company of intention to erect
waterworks, 119
 - of intention to examine gasworks, 125
 - of intention to make a rate, 152
 - by superintending inspector, to public officer to produce books,
&c., 172
 - by auditor to produce books, &c., 174
 - of appeal to quarter sessions, 185
 - of actions against board or its officers, 190
 - of entry on lands for purposes of survey, &c., 194
 - penalty for defacing notice boards, 198
 - service of upon owner, 200
 - occupier, *ib.*
 - local board, 200
- NUISANCES, in general, 102**
- keeping swine in dwellings, 98
 - noxious ponds, 97
 - ditches, *ib.*
 - sewers and drains, *ib.*
 - waterclosets overflowing, 98
 - stagnant water in cellars, *ib.*
 - cesspools overflowing, *ib.*
 - blood-boiling, 103
 - bone-boiler, *ib.*
 - fellmonger, *ib.*
 - slaughterer, *ib.*
 - soap-boiler, *ib.*
 - tallow melter, *ib.*
 - tripe boiler, *ib.*
 - brick maker, *ib.*
 - other noxious or offensive trades, *ib.*

NUMBER, interpretation of term, 15
NURSERY GROUNDS, how they are to be rated, 136

O.

OBSTRUCTION of officer, punishment for, 198
OCCUPIER, duty of, by common law, to cleanse drains and sewers, 86
 of factories to provide waterclosets, 91
 to be liable for overflowing cellars, cesspools, privies, &c., 98
 of unwholesome or filthy houses, 99
 may be charged with expense of cleansing or whitewashing, *ib.*
 of arable, pasture, meadow, nursery ground, how to be assessed
 to rates, 136
 who has paid composition for rates may deduct the whole from
 his rent, if no agreement to contrary, 147
 and landlord, effect of agreements between as to rates, 148
 if poor, may be excused payment of rates, 148
 how assessed if name unknown, 153
 must allow entry on his lands and premises for purposes of survey,
 &c., 194

OCCUPIER of premises must allow works to be carried on, 198
 penalty for refusal, *ib.*
 order of justice to be obtained, *ib.*
 must state the name of the owner of his premises, 199
 penalty for refusing, *ib.*
 or misstating, *ib.*
 service of notices upon, 200

OFFENSIVE TRADES, not to be newly established without leave of
 the board, 103

 blood boiler, *ib.*
 bone boiler, *ib.*
 tripe boiler, *ib.*
 fellmonger, *ib.*
 slaughterer, *ib.*
 soap boiler, *ib.*
 tallow melter, *ib.*
 brickmaker, *ib.*

OFFICER OF HEALTH cannot be removed without consent of
 general board, 77

 to certify as to filthy or unwholesome houses, 99

OFFICERS OF GENERAL BOARD OF HEALTH, 23

OFFICERS OF HEALTH, meaning of term, 21

 cannot be a town councillor, 34

 appointment of, 76

OFFICERS OF LOCAL BOARD, their appointment and salaries, 67

 removable by board, 71

 entrusted with money to give security, 73

 proceedings against, 74

 actions against, 190

 penalty for obstructing, 198

- OFFICES of local board of health, 69
 ORDER to permit execution of works, form of, 207
 ORDER IN COUNCIL, when Act to be applied by, 29
 may be amended, 193
 ORDERS IN COUNCIL may be amended, 193
 to be published, 194
 and confirmed by parliament, *ib.*
 ORDERS OF LOCAL BOARD, appeal against, 185
 ORIGIN OF THE ACT, 1
 OUTLYING PLACES cannot be united to a district without a preliminary inquiry, 33
 OVERSEERS, PARISH.—See *Churchwardens*
 OWNER, meaning of term, 16, 51
 agent or trustee may be deemed, 16
 OWNERS, voting of, 47
 how voting paper to be addressed to, *ib.*
 notice of ownership for voting, *ib.*
 compounding for poor rates, vote as owners, 48
 qualification of, 49
 joint, how they vote, 48
 and occupier, 50
 must give notice of their intention to vote, 52, 47
 of factories to provide waterclosets, 91
 may be charged with whitewashing or cleansing houses, 99
 of private roads may object to their being declared highways, 1
 may compound for rates or cottages, 145
 how assessed if name unknown, 153
 of lands and premises must allow entry of surveyors, &c. for purposes of examination, 194
 may be allowed time for payment of private improvement expenses, 197
 may be allowed to pay by instalments, *ib.*
 service of notice upon, 200
 form of order on, to permit execution of works, 207
 OXFORD, local board of, 63
 water rates at, 144
 quota of rates to be paid by university of, 157

P.

- PAPERS relating to elections of local board must be deposited at the office of, 61
 there open to public inspection, *ib.*
 PARLIAMENT, orders in council to be confirmed by, 194
 copies of provisional orders to be delivered to, 211
 PARTNERS OF A FIRM, how they vote, *ib.*
 PASSAGE, included in term street, 19
 PASTURE LANDS, occupiers, how to be assessed to rates, 136
 PASTURES, how to be assessed, 136
 PAUPER RATEPAYERS may vote, 47

PAVEMENT of streets, 110private streets, *ib.***PAYMENT OF RATES** to entitle to vote, 48**PAYMENTS INTO COURT**, 192**PENALTIES**, local board may compound for, 132

summary recovery of, 182

proceedings for must be within six months, 184

common informer cannot sue for, without previous consent of the
Attorney-General, *ib.*application of, *ib.*proceedings for must be within six months, *ib.*proceeds of, in certain cases, to go to district fund account, *ib.*

liability to not to relieve from other liabilities, 185

PENALTY upon public officer refusing to appear before superin-
tending inspector, or produce books, 172

for neglecting to produce books, &c. to the auditor of accounts, 174

for defacing notice boards, 198

on occupier of premises for refusing to allow works to be carried
on, 199or for refusing to state his landlord's name, *ib.*

for neglecting, after notice, to cleanse or whitewash houses, 99

for using slaughter-houses before they are registered, 100

on owners of unwholesome meat, fish, poultry, &c. intended for
food, 102for establishing noxious or unwholesome manufactories without
leave, 104for neglecting to register common lodging houses, or for refusing
to admit inspector of nuisances, 106

for letting underground cellars as dwellings, 108

for injuring pavement or fences, &c. of streets, 110

for injuring waterworks, 122

or wasting or fouling water, 123

or bathing in public reservoirs, 123

for draining gas works into public water, 124

for burying the dead in forbidden places, 129

for refusing access to poor rate, 135

for refusing inspection of the board's rate book, 153

on constables refusing to levy or sell, 157

may be imposed by bye-laws, 166

on chairman for neglect or refusal in conducting elections, 61

on clerk for acting as treasurer, 72

treasurer for acting as clerk, *ib.*

for officers of board being interested in contracts, 72

or for taking fees, *ib.*

for building a cellar, vault, or arch, under a street, 84

for building a house, or constructing a drain contrary to this Act, 83

for building or rebuilding house without watercloset, privy, or
ashpit, 89

PENALTY—continued.

- for not constructing, after notice, waterclosets in factories, 92
- for beginning to build a house without notice to local board, 93
- for neglecting to cleanse cesspools, drains, privies, &c. after notice, 94
- for removing sewage, soil, dung, &c. without consent of board, 96
- for overflowing cesspools, privies, or cellars, 98

PERJURY, false evidence punishable as, 198

PERSON, meaning of term, 16

PERSONAL LIABILITY avoided, 192

PERSONS AGGRIEVED, 60.—See *Aggrieved Persons*.

- may appeal in matters of private improvement expenses to general board, 171

- to quarter sessions, 185

PETITION TO GENERAL BOARD to have the Act applied to a district, form of, 249

- number of petitioners necessary, 24

PIGS, penalty for keeping in dwelling house, 98

PIPES, included in the term waterworks, 20

PONDS, noxious, to be filled up, 97

- or cleansed, *ib.*

- or arched over, *ib.*

- how to be assessed to rates, 136

POOLS, noxious, to be cleansed, 97

- or arched over, *ib.*

- or filled up, *ib.*

POOR RATE, the basis for assessment of local board rates, 135. See *Assessment*.

- and as to publication, 154

POPULOUS PLACES, 13

POSTS for footways may be placed, 110

POSTS may be placed to protect foot passengers, 110

POULTERERS' stalls or shops to be entered by inspector of nuisances, 101

POULTRY, unwholesome, intended for food to be seized and condemned, 101

- owners of such liable to penalty, 102

POVERTY, excusing payment of rates on account of, 147

PRELIMINARY INQUIRY, 24, 26, 27

- costs of how borne, 33

PREMISES, meaning of term, 16

PRESTON, provisional order relating to, 216, 218

PRIVATE IMPROVEMENT EXPENSES, the cost of the erection of waterclosets and ashpits, after notice to owner, 91

- the cost of cleansing, altering, or amending drains, cesspools, ashpits, or privies, 94

- or filling up, or cleansing, or arching over, ponds, pools, ditches, sewers, &c., 97

- PRIVATE IMPROVEMENT EXPENSES**—*continued.*
 the paving or repairing of private streets, 111
 laying on water to houses, 121
 persons aggrieved by may appeal to general board, 170
- PRIVATE IMPROVEMENT RATES**, 141
 for what they may be levied, *ib.*
 to be levied on the occupier, 142
 if premises vacant, on owner, *ib.*
 proportion of it may be deducted from rent, *ib.*
- PRIVATE STREETS**, pavement of, may be compelled, 110
- PROVISIONAL ORDER** of general board, 30
 must be published, 30
 deposited, 30
 cannot effect public waterworks company without consent, 31
 may be altered or amended, 193
- PROXY**, mode of voting by, 52
 notice must be given, 53
 papers, how to be addressed, 57
 how to vote, 58
 paper need not be stamped, 201
 public companies may vote by, 52
 how proxy appointed by, *ib.*
- PUBLIC**, entitled to inspection of election papers, 61
 not admitted at meetings of Croydon board, 67
- PUBLIC ACTS**, 25
- PUBLICATION OF RATES**, 154
- PUBLIC HEALTH ACT.** See *Act*
- PUBLIC WATERCLOSETS** may be provided, 96
 and urinals, *ib.*
 slaughter-houses may be provided, 100
 places of recreation may be provided, 115
- PUMPS**, included in the word waterworks, 20

Q.

- QUALIFICATION** of members of board of health, 41
 of electors of members of board, 47
 of medical officer of board, 76
- QUARTER SESSIONS**, appeal to, on account of rates, 185
 power of, on appeals, 186, 187
 orders, 185
 convictions, *ib.*
 judgments, *ib.*
 14 days' notice of appeal must be given, *ib.*
 rate must be quashed by, cannot be abandoned, 187
 cannot quash rates for want of form, 188
- QUASHING** rates by sessions, 186
- QUORUM** necessary to form a board, 66, 67

R.

- RACK-RENT**, meaning of term, 16
RAILWAYS, how to be assessed to rates, 136
RAIN WATER, annual depth of, &c., 276
RATE-BOOK, estimates must be entered in, 152
 chairman entitled to copies or extracts, 54
PATEPAYER, meaning of term, 51
 number of votes to which he is entitled, 49
 owner's qualification, *ib.*
 distress upon for non-payment of rates, 154
RATES, register of mortgages of, 162
 transfer of mortgages of, *ib.*
 interest upon mortgages to be paid half yearly, 163
 table of money necessary to repay interest and principal of mortgages, 164
 redeeming of mortgages, time of, *ib.*
 receiver of may be appointed if principal and interest of mortgages not paid, 165
 neither signature of board, nor allowance by justices, necessary in case of rates made under this Act, 169
 appeal against, 185
 cannot be quashed for want of form, 188
 cannot be abandoned, but must be quashed, 187
 on what condition the general board will consent to mortgage of, 10
 may be prospective, or retrospective, 139
 unoccupied premises not to be liable to payment of, *ib.*
 See special district rate
 general district rate
 water rate
 highway rate
 private improvement rate
 redemption of, 143
 deduction from rent, 142
 composition for with owners of cottages, 145
 effect of agreements between landlord and tenant, as to payment of, 148
 estimates must be made before making, 151
 and entered in rate-book, 152
 notice must be given before making, *ib.*
 rates to be open to public inspection, *ib.*
 amending an assessment, 153
 amendment of, *ib.*
 appeal against amended, 154
 to be published in same way as poor rates, *ib.*
 recovery of, 155, 156
 distress for, 155
 form of warrant of distress for, 157
 quota of to be paid by universities, *ib.*
 evidence of, 158

RATES—continued.

- may be mortgaged, 158
- but general board will not be made party to mortgage, 161
- RATING OF VOTERS**, 48
- READING**, first election for, 220
- provisional order for, 219, 222
- RECEIVER OF RATES**, on behalf of mortgages, 165
- RECREATION**, public places may be provided for, 116
- REDEMPTION** of special district and private improvement rates, 143
- REFUSE MATTERS** may be collected for sale, or any other purpose, 82
- vested in local board, 96
- not removed after notice, become the property of local board, 99
- REGISTER** of slaughter-houses, 100
- of mortgages of rates, 162
- of lodging houses, 105
- RENT**, a proportion of private improvement rate may be deducted from, payable to landlord, 142
- landlord may deduct also proportion from superior landlord, *ib.*
- REPORT OF COMMISSIONERS ON THE HEALTH OF TOWNS**, 1
- REPORT OF SUPERINTENDING INSPECTORS** to be laid before parliament, 194
- RESERVOIR**, included in word waterworks, 20
- RIVERS**, as a source of supply of water, 242
- as sources of public supply of water, 116
- not to be interfered with, 196
- RIVER WATER**, composition of, 273
- ROAD**, included in term street, 19. See *Street*
- sewers may be covered through or along, 81
- laying out new, 113
- local board to be surveyors of, 168
- the late surveyors' duties, *ib.*
- as to arrears of highway rates, *ib.*
- ROMFORD**, first election at, 227
- provisional order for, 225, 228
- ROMNEY MARSH**, laws and customs of, 3
- ROOMS, DWELLINGS UNDERGROUND**, must be 7 feet high, 106
- 3 feet above ground, *ib.*
- have areas, *ib.*
- drains, *ib.*
- waterclosets or privies, *ib.*
- ashpit, *ib.*
- a window that opens, *ib.*
- a fireplace, *ib.*
- a chimney, *ib.*
- ROOMS underground**, regulation of, 108

S.

- SALARIES** of officers of general board, 23
- of officers of local board, 71

SALARIES of officers at Croydon, 66

SANDGATE, provisional orders relating to, 216, 218

SCHOOL included in the term house, 19

SEA DEFENCES, not to be interfered with, 196

SEALING OF DOCUMENTS AND COPIES, 69

SEAL OF GENERAL BOARD OF HEALTH, 23

SEAL OF LOCAL BOARD OF HEALTH must be procured
must be used in all official correspondence containing an act of
the board, 35

to be affixed to abstracts, 131

SELECTION OF LOCAL BOARD by town councils, 34

SERVICE OF NOTICE upon owners and occupiers, 200

SERVICE OF NOTICES upon owner, 200

occupier, *ib.*

local board, *ib.*

SEVEN MILES, how measured, 42

SEWAGE, drainage of at Croydon, 81

agricultural use of, 82

its use at Edinburgh, *ib.*

Mansfield, 83

other places, *ib.*

vested in local board, 96

analysis of, 261

of Mansfield, *ib.*

Edinburgh, *ib.*

London, *ib.*

of a single house, 265, 267

general result of use of in irrigation, 282

SEWERS, meaning of term, 20

vested in local board, 78

power given to local board to purchase, *ib.*

to make, 79

or alter, *ib.*

mode of construction at Croydon, 80

should be laid below the lowest floors of houses, *ib.*

should have a good fall, *ib.*

storm waters should not enter, *ib.*

may be carried through or along roads, 81

or through any lands, *ib.*

may be discontinued, *ib.*

sizes of at Croydon, 80

drains not to communicate with, without leave of the local board,
83

may with leave of the local board be used by persons out of the
district, 84

must be made for all new houses, 85

by common law duty of cleansing falls on occupier, 86

may be made by inhabitants of a parish, 87

may be ordered to be filled up, 97

or cleansed, *ib.*

SEWERS—*continued.*

or arched over, *ib.*

liability to repair not affected by this Act, 170

belonging to commissioners appointed by the Crown, not to be interfered with, 196

or sewers made under any act of parliament, 196

if made of brick 1-8th of sewage filters through, 246

SHEERNESS, first election for, 210

SHERBORNE, first election for, 226

provisional order for, 225, 228

SLAUGHTER-HOUSE, meaning of word, 20

to be registered, 100

public, may be provided, *ib.*

all noxious and offensive, 103

SLUICES, included in term waterworks, 20

private, not to be interfered with, 196

SOAP BOILING, an offensive and noxious trade, 103

SOIL, if not removed after notice becomes property of board, 99

SOUTHAMPTON, provisional order for, 219, 222

SPECIAL DISTRICT RATE, board to make, 132

to be charged with expense of permanent works, 96, 133

may be charged with expense of cleansing, arching over, or filling up ponds, ditches, sewers, &c., 97

to be charged with costs of a part or the whole of a district, 133

such as for new sewers, *ib.*

certain ratepayers may be excused from contributing to, *ib.*

need not extend to whole district, 135

may be prospective or retrospective, 139

composition for, with owners of cottages, 145

SPRINGS as a source of supply of water, 242

SPRINGS included in the word waterworks, 20

SQUARE included in the term street, 19

STABLES, removal of dung, &c., from, 95

STAMP DUTY, exemptions from, 201

exempt proxies, *ib.*

advertisements, 202

deeds, *ib.*

awards, and submissions, *ib.*

agreements, *ib.*

contracts, *ib.*

or writing, *ib.*

appointment, *ib.*

surety for treasurer requires, 200

STEALING property of local board, form of indictment for, 189

STORM WATERS should not enter sewers, 80

STRATFORD-ON-AVON, first election for, 213

provisional order for, 213, 215

STREAMS as sources of supply of water, 116

STREAMS included in the word waterworks, 20

STREAMS not to be interfered with, 196

STREET, meaning of term, 79

sewers may be carried under, 81

cellars, vaults, or arches, not to be made under without consent of board, 84

cleansing of, 95

watering of, *ib.*

removal of soil, &c. from, 95

management of, vested in local board, 109

material of ditto, *ib.*

local board to level, pave, and repair, 109

private, if in repair, may be declared to be highways, 112 but owners may object, *ib.*

laying out of new, meaning of, 114

notice must be given previous to laying out, or building upon any new street, 114

width and level of new, to be approved of by board, *ib.*

board may alter new streets, *ib.*

expenses of alteration to be borne by owner, 115

board may purchase premises to improve, *ib.*

board to be surveyor of highways, 168

liability to repair not affected by this Act, 170

SUMMONING OFFICER, 183

SUMMONS, form of, 183

for non-payment of rates, 155

SUNDAY, postponement of election in case of, 56

SUPERINTENDING INSPECTOR. See *Inspector*

SUPERIOR COURTS, meaning of term, 17

SURETIES of offenders under this Act not discharged by certain legal proceedings against principal, 76

bond of, requires a stamp, 200

SURVEYOR appointed by local board, 70

cannot be removed without consent of general board, 71

may be inspector of nuisances, 71

may enter premises to examine nuisances, 94

SURVEYORS OF HIGHWAYS, board to be, 168

as to arrears of highway rate, 169

SURVEYS, entry of board for the purposes of, 194

SWANSEA, provisional order relating to, 216, 218

SWEEPING OF STREETS, 95

SWINE, penalty for keeping in any dwelling, 97

T.

TALLOW MELTING, a noxious and offensive trade, 103

TANKS included in the word waterworks, 20

TAUNTON, first election for, 209

TENANT. See *Occupier*

TENBY, provisional order for, 225, 228

TENDER OF AMENDS, 191

- TEWKESBURY, provisional order for, 219, 222
- THOROUGHFARES OR NOT included in term street, 19
- TORMOHAM, first election for, 219
provisional order for, 219, 222
- TOWN CLERK not necessarily clerk to local board, *ib.*
must sign notices of meetings, summons, and order for pay-
ments, 34
inspector's report of preliminary inquiry to be deposited with, 28
copy of provisional order to be deposited with, 30
- TOWN COUNCIL in certain cases to be the local board, 34
selection of local boards by, *ib.*
- TOWN COUNCILLOR must resign if appointed officer of health, 34
- TRADES, noxious and offensive, 102
blood boiler, 103
bone boiler, *ib.*
tripe boiler, *ib.*
fellmonger, *ib.*
slaughterer, *ib.*
soap boiler, *ib.*
tallow melter, *ib.*
brick maker, *ib.*
- TRANSFER OF MORTGAGES OF RATES, 162
form of, 163, 204
- TREASURER, appointment of, 70
surety for, board requires a stamp, 200
must find security, 71
cannot be chairman of board, 71
cannot be clerk to board, 72
penalty for acting as such, *ib.*
must keep a district fund account, 134
- TRIPE BOILING, a noxious and offensive trade, 103
- TRUSTEES, how they vote at elections, 48
or agents may be deemed owners, 16
- TURNPIKE ROADS, sewers may be carried along, 81
- TYNEMOUTH, provisional order as to, 229, 231

U.

- UMPIRE included in word arbitrator, 18
appointment of, 178
declaration to be made by, 180
- UNDERGROUND WORK, injuries from, 81
- UNION POOR LAW, books may be inspected by superintending
inspector, 172
- UNOCCUPIED PREMISES not to be liable to payment of rates, 139
even if compounded for, *ib.*
- URINE, its value in agriculture, 280
- UXBRIDGE, first election for, 210

V.

- VAULTS**, not to be constructed under streets without consent of local board, 84
 or in new churches, 129
 vaults not to be used as dwellings but on certain conditions, 106
VOTERS, how to vote, 58
VOTES, numbers to which a ratepayer is entitled, 49
VOTING FOR MEMBERS OF LOCAL BOARD, 47
 the persons who vote, 47
 mode of, 57
VOTING PAPERS, form of, 207
 how to be delivered, 47
 how to be collected, 58

W.

- WALKS, PUBLIC**, may be provided, 116
WALLS, SEA, liability to repair not affected by this Act, 170
WARE, provisional order as to, 229, 231
 first election for, 210
 provisional order for, 209, 212
WARRANT of distress for recovery of rates, form of, 157
WARRANT OF DISTRESS, form of, 206
WASH-HOUSES, PUBLIC, board may supply with water, 121
WASTING WATER, penalty for, 122
WATER, average consumption of per house, 240
 loss of in intermittent supplies, *ib.*
 varying degrees of hardness of, 241
 varying degrees of, *ib.*
 average consumption of by urban population, 240
 average quality of, *ib.*
 supply from wells, 242
 from rivers, *ib.*
 from springs, 243
 power of local board to lay down mains, 243
 soakage of into land, 81
 offensive receptacles for, to be cleansed, 97
 or arched over, *ib.*
 or filled up, *ib.*
 to be supplied to district, 116
 may be under constant pressure, 118
 board may require houses to be supplied with, 120
 rates, board may make, 121
 supply of for public baths, *ib.*
 washhouses, *ib.*
 trading purposes, *ib.*
 public cisterns, *ib.*

WATER—*continued.*

- aqueducts, 121
 - cisterns, *ib.*
 - conduits, *ib.*
 - penalty for washing, 122
 - fouling or injuring, 123
 - same right of owners and occupiers to use, 123
- WATERCLOSETS**, no house can be built or rebuilt without, 88
 - power of local board to enforce conversion of privies into, 89
 - may provide these at owner's expense, 90
 - in factories, to be provided, 91
 - and for both sexes, *ib.*
 - cannot be made without leave of the local board, 92
 - may be pulled down by the local board, 93
 - may be examined by the surveyor, *ib.*
 - cleansing of, 95
 - public may be provided, 96
- WATER COMPANIES RATES**, 237
 - New River Company, *ib.*
 - East London, *ib.*
 - Southwark, *ib.*
 - Lambeth, *ib.*
 - Grand Junction, *ib.*
 - Kent, *ib.*
- WATER COURSES** not to be interfered with, 196
- WATERING OF STREETS**, 95
 - foot pavements, *ib.*
- WATER PIPES** in streets may be moved, 112
- WATER RATES**, 237
 - board may make and levy, 121, 141
 - upon the occupier, 141
 - at Oxford and Cambridge, *ib.*
 - to be payable in advance, 145
 - in case of non-payment of, supply of water may be stopped, 145
 - composition for with owners of cottages, 145
 - rates of metropolitan companies, 237
 - their scale for large consumers, 238
 - scale of those at Croydon, 239
 - average consumption of water by consumer, 240
- WATERWORKS**, meaning of term, 20
 - board may provide, 116
 - source of supply, *ib.*
 - gathering grounds, *ib.*
 - streams, *ib.*
 - wells, *ib.*
 - rights of millowners, 117
 - claimants of underground waters, 117
 - cost of pumping, 118
 - height to which jets of water will rise, 118

WATERWORKS—continued.

- private waterworks company's consent necessary in certain cases, 119
- penalty for injuring, 122
- supply of water, 239—242
- supplied from wells, *ib.*
 - rivers, *ib.*
 - springs, 243
 - gathering grounds, *ib.*
- average expense of per house, 244
- WATERWORKS COMPANY**, meaning of term, 20
- provisional order not to affect without consent, 31
- members of may be members of local board, 46
- board may contract with, 119
- consent necessary in certain cases to erection of works for supply of district with water, 119
- of London, charges of, 237
- WATFORD**, first election for, 221
- provisional order for, 219, 222
- WEEKLY TENANCIES**, compounding for, 145
- WELLS** included in word waterworks, 20
- as source of public supply of water, 116, 242
- WEST COWES**, first election at, 227
- provisional order for, 225, 228
- WEYMOUTH**, provisional order for, 225, 228
- WHARVES**, not to be interfered with, 196
- WHITWASHING** unwholesome houses, 99
- WIDTH OF STREETS** to be fixed by local board, 114
- WINDOW DUTIES**, exemptions from, 202
- WINDOWS** of cellars, size of, 108
- WINDSOR**, provisional order for, 209, 212
- WITNESSES** may be summoned by superintending inspector, 171
- expenses to be tendered, 172
- not required to travel more than ten miles, *ib.*
- WOLVERHAMPTON**, provisional order relating to, 216, 218
- WOMEN** included in masculine gender, 15
- may vote at election of local board, 47
- WOODLANDS**, how to be assessed, 136
- WORCESTER**, provisional order for, 209, 212
- WORKS**, expenses of, on what rate to be charged, 96

Y.

- YARMOUTH**, Act relating to, 223
- YORK**, local board for to make rates, 214

 LONDON:

PRINTED BY A. SWEETING, BARTLETT'S BUILDINGS, HOLBORN.





